

200 N Center,
Casper, WY 82601

March 15, 2023

Dear Property Owner:

NOTICE OF PETITION TO VACATE A PORTION OF W. 50TH STREET

You, as an adjacent property owner, are hereby notified of this petition to *vacate a portion of W. 50th Street between Yesness Lane and S. Valley Road.*

The Board of County Commissioners is considering vacating or altering a road commencing directly east of the intersection of Yesness Lane and W. 50th Street and the intersection of S Valley Road and W. 50th, located in the NW1/4, SE1/4 of Section 29, T.33N., R. 79 W., 6th P.M., in Natrona County, Wyoming and known more commonly as the portion of W. 50th Street running through and on the boundary of South Garden Creek Acres #4, lot 1 and South Garden Creek Acres #2 lot 36. All objections thereto or claims for damages by reason thereof must be filed in writing with the county clerk of said county, **before noon on April 17, 2023** or such road will be vacated or altered without reference to such objections or claims for damages.

If you wish to make public comment to the Natrona County Board of County Commissioners on the above item please attend on **Tuesday, April 4, 2023**. The hearing will be held at 5:30 p.m. in the District Court Room #1 on the second floor of the County Courthouse, 200 North Center Street, Casper, Wyoming.

However, Wyoming law prohibits consideration of any statement that is not submitted in writing to the County Clerk's office by noon on April 17, 2023. Please submit any written comments before noon on April 17, 2023 to the Natrona County Clerk and Recorder, 200 N. Center St., Casper, Wyoming 82601.

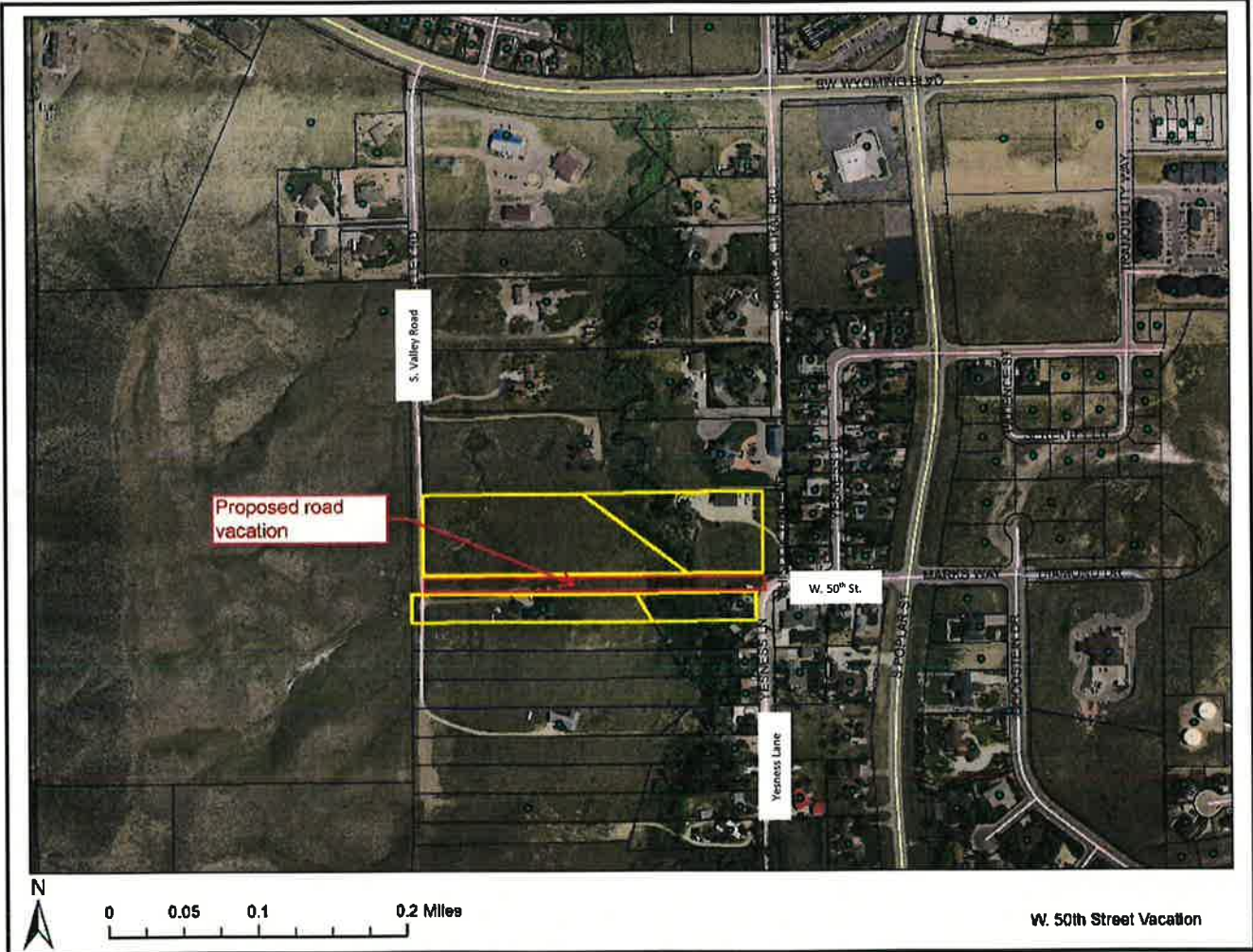
Only written comments received through the Clerk's office by noon on April 17, 2023 will be considered by the Board of County Commissioners.

Please contact us at (307) 235-9447 for additional information.

Sincerely,



Kristie Turner
Planner
Natrona County Development Department





Memorandum Development Department – Planning Division

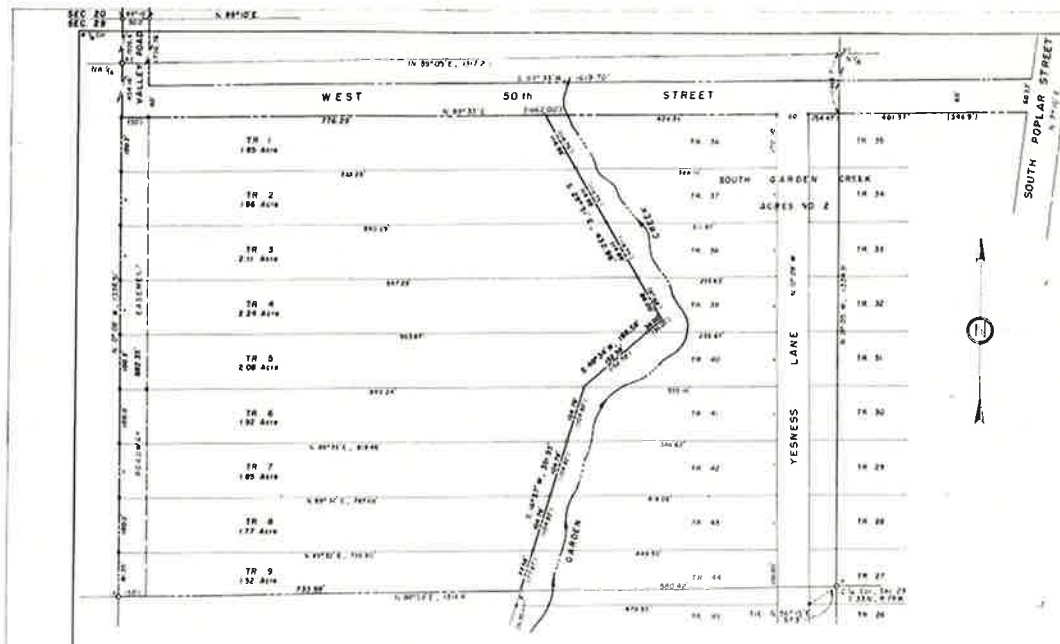
TO: Natrona County Board of Commissioners
FROM: Kristie Turner, County Planner
DATE: March 10, 2023
SUBJECT: Viewer’s Report – Proposed Vacation of W. 50th Street

The following information and supporting documents constitute the Viewer’s Report in accordance with Wyoming State Statute §24-3-106 which pertains to creation, vacation or alteration of county roads. Specifically, this report is intended to address the vacation of an established public road easement named W. 50th Street in the South Garden Creek Acres No. 4 subdivision, which is located south of Wyoming Boulevard and east of South Poplar Street.

Nature of Request

In accordance with Wyoming State Statute §24-3-101 (b), Chris Lubenow, Douglas Bradley, Steve Berdahl, Peter Szymczak, Zackary Taylor, Roxan Taylor, and Michael Hawks filed a petition to vacate portions of W. 50th Street as dedicated in South Garden Creek Acres No. 4 subdivision plat.

Figure 1 – South Garden Creek Acres No. 4 – Plat snip



Background/History

The portion of W. 50th Street that is the subject of the vacation petition is situated directly east of the intersection of Yesness Lane and W. 50th Street and is located within the county boundary. The eastern portion of W. 50th Street between Yesness Lane and S. Poplar is paved with curbs and gutters and resides within boundary of the City of Casper. The undeveloped portion of W. 50th Street west of Yesness Lane as shown on the South Garden Creek Acres No. 4 subdivision plat is the proposed extension of the existing W. 50th Street (see Figure 4).

South Garden Creek Acres No. 4 subdivision was established on December 3, 1970 and the plat includes the description for sixty (60) foot wide W. 50th Street and fifty (50) foot wide S. Valley Road as dedicated to the use of the public. S. Valley Road is partially developed. The portion that is within the city limits is paved with curbs and gutters. The portion that extends into county jurisdiction is an unimproved gravel road. S. Valley Road supports eight (8) county address and seven (7) City of Casper addresses. The portion of W. 50th Street depicted on the South Garden Creek Acres No. 4 plat has never been developed.

Figure 4 – W. 50th Street – Roads

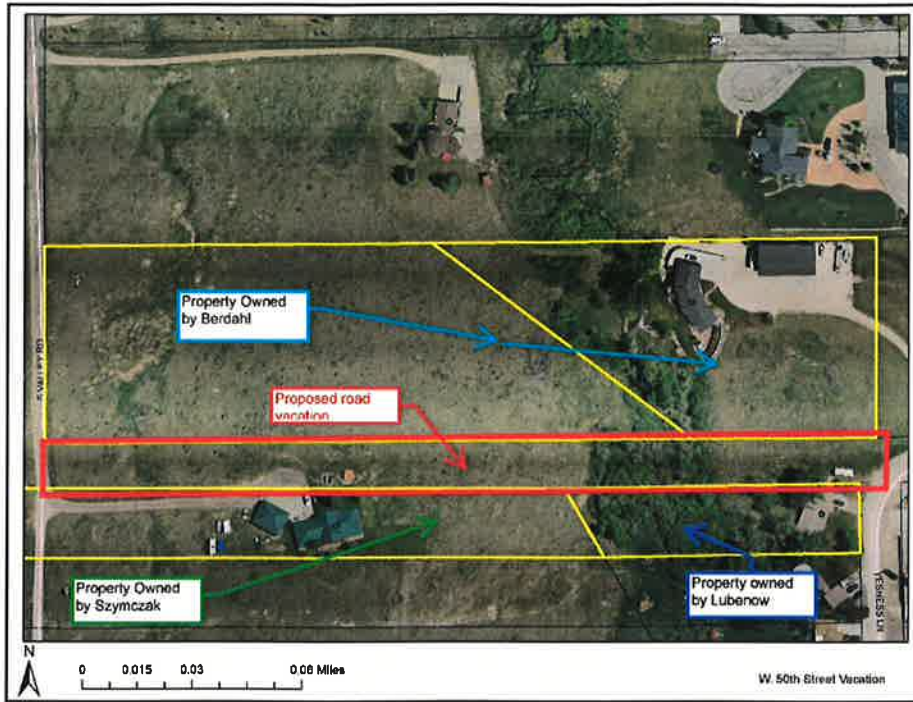


Other factors (see Figure 3):

- Peter Scymzach at 5000 S. Valley Road, South Garden Creek Acres #4 Lot1 is on the south and westerly side of the ROW in questions and it appears he has built an out building in the ROW.
- Christopher Lubenow at 5000 Yesness Lane, South Garden Creek Acres #2 Lot 36 is on the south and easterly side of the ROW in question and it appears he has built a portion of his driveway on the ROW.

An official survey would need to be completed to determine the specific extent of the encroachments.

Figure 3 – Location of W. 50th Street - Encroachment



Current Costs vs. Benefits

Upon hearing and reviewing the Viewer's Report, there are two possible actions for consideration by the BOCC:

1. The BOCC may choose to vacate the public road easement identified as W 50th Street on the South Garden Creek Acres No. 4 subdivision plat.
2. The BOCC may choose to take no formal action on the matter and move to discontinue the vacation process if deemed in the best interest of the public while also considering the needs and requests of the petitioners as established as a matter of record in the petition.

The public road easement granted to Natrona County in 1970 for W. 50th Street on the South Garden Creek Acres No. 4 plat was for the purpose of developing and establishing a road connection between Yesness Lane and S. Valley Road.

Generally, the county should encourage connecting roads between neighborhoods when possible due to the benefits of increased connectivity for residents and emergency services. The benefits of W. 50th Street as a connection between S. Valley Road and Yesness Lane is increased access for residents to an established collector street, Poplar. These types of neighborhood connections increase traffic safety and accessibility for emergency services.

The county subdivision regulation does require two points of egress and ingress for subdivisions with six (6) or more lots. South Garden Creek Acres No. 4 subdivision included a total of eighteen (18) lots. Currently the area has thirteen (13) developed lots with independent address. If W. 50th Street were developed there is an increased opportunity for future connection to utilities, and city water and sewer services.

However, the topography of the location necessitates a bridge over Garden Creek and increases the cost of developing W. 50th Street as a connecting road between S. Valley Road and Yesness Lane. There is also limited availability for additional development to the south and east of the South Garden Creek Acres No. 4.

The cost to construct this portion of W. 50th Street is estimated by Natrona County Road and Bridge to be \$1,454,944.00. Cost are outlined below.

- The road appears to be approximately 1275 feet long if built and tied into the existing City of Casper street section.
- The paving section would be 4 inches/6 inches asphalt/base no curb and gutter, cost at today's pricing is estimated to be \$ 334,616.00.
- There would be a need for a bridge crossing over Garden Creek and this is estimated to be approximately \$ 1,120,328.00
- TOTAL project cost would be \$ 1,454,944.00.

The costs outlined above only include road construction costs and do not include any maintenance calculations.

Upon reviewing available information, plat, and maps, it is this Viewers opinion that the following recommendation be considered by the BOCC:

Recommendation:

The BOCC should consider vacating the sixty (60) foot public road easement for W. 50th Street between Yesness Lane and S. Valley Road established in the South Garden Creek Acres No. 4 subdivision plat.

Respectfully submitted:

Kristie Turner – Viewer
Natrona County Planner

Attachments:
Resolution 08-23 and Oath of Viewer
Plat
Application

A RESOLUTION APPOINTING VIEWER FOR CONSIDERATION OF A PETITION TO ALTER AND VACATE A PORTION OF W. 50TH STREET AND SETTING A DEADLINE TO FILE OBJECTIONS

WHEREAS, Natrona County Board of County Commissioners received a Petition to Alter and Vacate a Portion of W. 50th Street pursuant to Wyoming Statute § 24-3-101 et seq. from the petitioner, Chris Lubenow; and

WHEREAS, Wyoming Statute § 24-3-103 provides that when a petition to alter or vacate a road is filed, the Board of County Commissioners shall appoint a suitable and disinterested person to examine into the expedience of the proposed road, alteration or vacation thereof and file a report; and

WHEREAS, Megan Nelms was appointed the Viewer on June 8, 2022, but is no longer employed with Natrona County and is unavailable to complete the necessary viewer's report; and

WHEREAS, Kristie Turner, the Natrona County Planner, is a suitable and disinterested person and is available to complete the required report; and

THEREFORE, THE BOARD OF COUNTY COMMISSIONERS RESOLVES AS FOLLOWS:

1. Kristie Turner is appointed the viewer to replace Megan Nelms and to examine the proposed alteration or vacation of W. 50th street in accordance with Wyoming Statute § 24-3-101, et seq.
2. The deadline to file objections to the Petition is April 17, 2023.

APPROVED: March 7, 2023



NATRONA COUNTY BOARD OF COUNTY COMMISSIONERS

[Signature]
Chair

ATTEST:

[Signature]
Tracy Good, County Clerk

My term of office expires
January 4, 2027

APPROVED AS TO FORM

[Signature]
Natrona County Attorney's Office

**CONSIDERATION OF PETITION TO ALTER AND VACATE A PORTION OF
W. 50TH STREET**

VIEWER'S OATH

By Resolution No. 08-23, the Natrona County Board of Commissioners appointed Kristie Turner the Viewer to examine the proposed alteration or vacation of a portion of W. 50th Street in accordance with Wyoming Statutes § 24-3-101. et seq.

In accordance with Wyoming § 24-3-104, I, KRISTIE TURNER, affirm that I will faithfully and impartially discharge my duties as Viewer.



Kristie Turner
Date 3/8/23

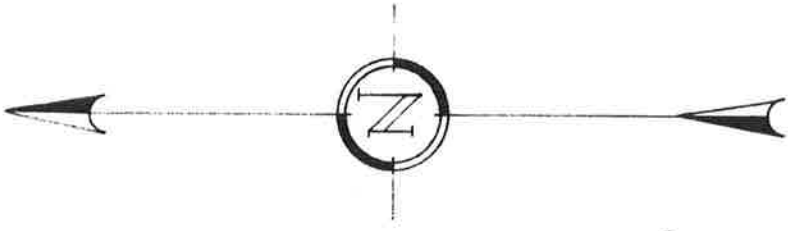
ATTEST: I am authorized by law to administer oaths and administered the above oath


Signature
Date 3-8-2023

This oath must be filed with the Natrona County Clerk




3/10/2023 1:23:59 PM NATRONA COUNTY CLERK
Pages: 1 Tracy Good
Recorded: CC
Fee: \$0.00
1137393 NATRONA COUNTY PLANNING



YESSNESS LANE N. 0° 28' W

N. 0° 05' W, 1334.9'

TR. 33

TR. 32

TR. 31

TR. 30

TR. 29

TR. 28

TR. 27

I.P.

311.87'

TR. 38

255.63'

TR. 39

239.87'

TR. 40

355.16'

TR. 41

386.62'

TR. 42

418.06'

TR. 43

449.50'

TR. 44

580.42'

100.00'

C.R.F.

(114.75')
114.99'
432.96'

(87.68')
88.00'

(36.00')
36.00'

(152.58')
152.58'

(104.82')
104.78'

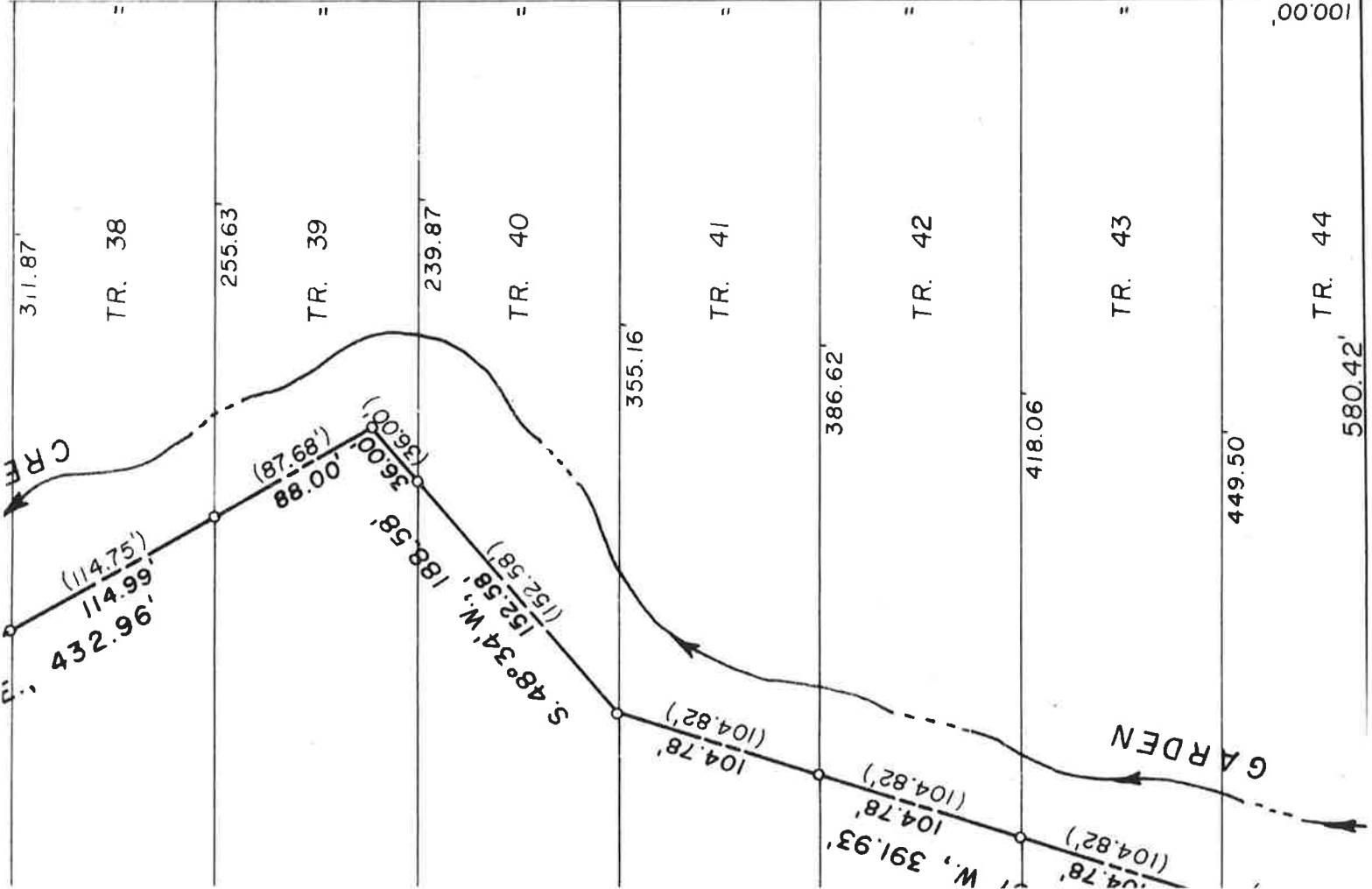
(104.82')
104.78'

(104.82')
104.78'

S. 48° 34' W, 188.58'

W., 391.93'

GARDEN



IN THE MATTER OF THE ESTABLISHMENT/ALTERATION/VACATION OF THE:

W. 50th St. Road

Petition

To the Board of County Commissioners of Natrona County, Wyoming:

The undersigned ask that a county highway commencing at Yesness Ln. and running thence West and terminating at S. Valley Rd. be vacated.

Attached to this petition is a list containing the names and the known post office addresses of each person owning or having an interest in any land over which the proposed establishment, vacation or alteration of the county highway is to be made.

Signed below by not less than five (5) electors of the county residing within twenty five (25) miles of the road proposed to be established, altered or vacated.

Christopher C. Lubnow
Name (Print)

[Signature]
Signature

1-21-22
Date

Douglas Bradley
Name (Print)

[Signature]
Signature

Jan 22, 2022
Date

Peter S Szymczak
Name (Print)

[Signature]
Signature

1-22-22
Date

Steve Berdahl
Name (Print)

[Signature]
Signature

3/14/22
Date

Owners of land over which that portion of W 50th St. runs

Steve & Theresa Berdahl	4990 Chinook Trl	Casper, WY 82604
Christopher Lubenow	5000 Yessness Ln	Casper, WY 82604
Peter Szymczak	5000 Valley Rd	Casper, WY 82604

