

**ORIGINAL ORDINANCE NO.: 1941
ENROLLED ORDINANCE NO.: 1705**

INTRODUCED BY: Shuster

AN ORDINANCE AMENDING TITLE 15 OF LARAMIE MUNICIPAL CODE TO PROVIDE FOR AN EFFECTIVE DETERMINATION OF VALUE FOR RIGHTS-OF-WAY PROPOSED FOR VACATION.

WHEREAS, on August 21, 2007, the City Council adopted the Laramie Comprehensive Plan which lists as one of its recommendations to create a unified development code that would combine the zoning and subdivision ordinances in into a single, unified document consisting of multiple parts or sections, including administrative procedures, zoning, subdivision regulations and improvement standards.

WHEREAS, on June 22, 2009 the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of the Unified Development Code subject to modifications;

WHEREAS, on March 2, 2010 the City Council adopted the unified development code with an effective date of July 1, 2010.

WHEREAS, 15.02.050 of the Laramie Municipal Code (LMC) calls for the Unified Development Code to be amended from time to time so as to become or remain consistent with the Comprehensive Plan, and should be regularly reviewed, evaluated and amended, if necessary, based on private and city economic conditions, vision for the community, changing planning and zoning principles, frequent difficulty in implementing or enforcing any specific standard(s), or changes in the state, federal or case law.

WHEREAS, there exist certain rights-of-way and public access easements in the City that have been dedicated as such, but have never been built nor maintained at public expense for public-transportation purposes.

WHEREAS, certain of such rights-of-way and public access easements are not shown or identified as present or future necessary thoroughfares on any adopted or approved plan effective in the City of Laramie, nor shown or identified on any approved and active preliminary subdivision plat.

WHEREAS, it is the determination of the City Council that past, present or future construction or maintenance of such rights-of-way and public access easements are not determined necessary, and therefore they are unlikely to have any determinate fiscal value to the public as identified public thoroughfares.

WHEREAS, requiring compensation to the City in connection with vacation of such rights-of-way or public access easements would not be coherent with determination of value at or close to zero (0) to the public.

WHEREAS, on February 22, 2016, the Laramie Planning Commission affirmatively voted to recommend to the Laramie City Council adoption of amendments to the Unified Development

Code as shown in this ordinance;

WHEREAS, the Laramie City Council held a public hearing on April 5, 2016, to take and consider public comments;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1. That LMC 15.06.060.W.3.b [Vacations, Public Ways: Procedures: Step 2] be amended to read as follows:

b. Step 2: Application Submission, Contents, and Fees

Applicable pursuant to subsection 15.06.030.B.

The following additional information shall be included:

- (i) Written comments from the appropriate utilities and other public entities affected by the proposed vacation; and
- (ii) For proposed vacations that do not meet criteria for valuation at zero (0) in Sec. 15.06.060.W.4: A current appraisal of the fair market value of the land to be vacated, by a state certified and licensed appraiser, to be used in arriving at the determination of the value to be paid by the petitioner in compensation for the vacation of the properties.

Section 2. That LMC 15.06.060.W.3.e [Vacations, Public Ways: Procedures: Step 5] be amended to read as follows:

a. Step 5: Action by Review and Decision-Making Bodies

Applicable. The following additional procedures shall apply.

(i) Planning Commission Public Hearing

The planning commission shall hold a public hearing and make a recommendation to approve, approve with revisions, postpone, or deny the application.

(ii) City Council Public Hearing

The city council shall hold a public hearing and shall approve, approve with conditions, postpone, or deny the proposed public way vacation. Approval or approval with conditions shall be by adoption of an ordinance. The city council may require compensation for the land requested for vacation, provided that a valuation of greater than zero (0) has been determined by an appraisal that is required under Secs.

15.06.060.W.3 and 15.06.060.W.4. Upon approval of the ordinance, the mayor is authorized to convey the properties so vacated to the abutting property owners accordingly by quitclaim deed.

Section 3. That LMC 15.06.060.W.4 [Vacations, Public Ways: Valuation of Existing Rights-of-Way and Public Access Easements] be created to read as follows:

4. Valuation of Existing Rights-of-Way and Public Access Easements


- a. For purposes of vacation of rights-of-way and public access easements that meet all of criteria (i) through (iii), the valuation of the property is herein determined and declared to be zero (0), and no appraisal of value shall be required in connection with vacating said rights-of-way and public access easements:
 - (i) The right-of-way or public access easement is not, and has not been during the thirty (30) year period preceding the vacation application, built or maintained as a public-access thoroughfare by the city or other public street-maintenance authority; and
 - (ii) The right-of-way or public access easement is not shown on any currently effective plan adopted or approved by the city or the state of Wyoming, and is not shown on any city-approved and active preliminary subdivision plat.
 - (iii) The vacation of such right-of-way or easement shall not result in lots with no frontage on a public street, highway or a marginal access street.
- b. Existing right-of-way and public access easements that do not meet all of criteria (i) through (iii) shall be required to provide an appraisal meeting the requirements of Sec. 15.06.060.W.3.b(ii) prior to city council consideration of a vacation request for same.
- c. Nothing in this section shall preclude the ability of the city to retain, at no additional compensation cost to any party, a public utility easement within the right-of-way or public access easement vacated according to the procedures herein.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Section 4. That this ordinance shall become effective after its passage, approval and its publication.

Passed and approved this 3rd day of May, 2016.

Attest: 
Angie Johnson
City Clerk


David A. Paulekas, Mayor and President of the
City Council

First Reading: March 15, 2016
Public Hearing: April 5, 2016
Second Reading: April 19, 2016
Third Reading and Final Action: May 3, 2016

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