



TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

TRANSMITTAL MEMO

Town of Jackson

- Public Works/Engineering
- Building
- Title Company
- Town Attorney
- Police

Joint Town/County

- Parks and Recreation
- Pathways
- Housing Department

Teton County

- Planning Division

- Engineer
- Surveyor- *Nelson*
- Assessor
- Clerk and Recorder
- Road and Levee

State of Wyoming

- Teton Conservation
- WYDOT
- TC School District #1
- Game and Fish
- DEQ

Federal Agencies

- Army Corp of Engineers

Utility Providers

- Qwest
- Lower Valley Energy
- Bresnan Communications

Special Districts

- START
- Jackson Hole Fire/EMS
- Irrigation Company

<p>Date: January 7, 2019</p> <hr/> <p>Item #: P19-003</p> <hr/> <p>Planner: Tyler Valentine Phone: 733-0440 ext. 1305 Fax: 734-3563 Email: tvalentine@jacksonwy.gov</p> <hr/> <p>Owner: Abilene, LLC PO Box 12111 Jackson, WY 83002</p> <hr/> <p>Applicant: Cornelius Kinsey PO Box 12258 Jackson, WY 83002</p>	<p style="text-align: center;">REQUESTS:</p> <p>The applicant is submitting a request for an Encroachment Agreement with the Town of Jackson into the sewer easement for 437 N. Glenwood St. legally know as Lot 4, BLK. 2, Jones.</p> <p>For questions, please call Tyler Valentine at 733-0440, x1305 or email to the address shown below. Thank you.</p>
<p>Please respond by: January 28, 2019 (Comments)</p>	

RESPONSE: For Departments not using Trak-it, please send responses via email to: tstolte@jacksonwy.gov



ENCROACHMENT AGREEMENT APPLICATION

Planning & Building Department Planning Division

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | fax: (307) 734-3563
Jackson, WY 83001 | www.townofjackson.com

OWNER OF PROPERTY:

Name: Abilene, LLC - Tyler Davis Phone: 407.952.1735
Mailing Address: P.O. Box 12111, Jackson, WY ZIP: 83002
E-mail: tylerdavis34@ymail.com

APPLICANT/AGENT:

Name: Kinsey, LLC - Cornelius Kinsey Phone: 413.2485
Mailing Address: P.O. Box 12258, Jackson, WY ZIP: 83002
E-mail: kinseycornelius@yahoo.com

DESIGNATED PRIMARY CONTACT:

Owner _____ Applicant/Agent X

PROPERTY:

Physical Address of Property: 437 North Glenwood Street
Lot, Subdivision: LOT4, BLK. 2, JONES
PIDN: 22-41-16-28-4-02-002
Description of Public Right-of Way: Sewer Easement - Reduce height of easement

SUBMITTAL REQUIREMENTS. Three (3) hard copies and one (1) digital copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.

Have you attached the following?

N/A **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.

10/29/15

_____ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.

_____ **Narrative Description of the Request.** Provide a detailed narrative description explaining the use of the noted public right-of-way.

_____ **Exhibit.** Provide an exhibit (picture, drawings, maps, plans) of the use of the noted public right-of-way including dimensions of requested encroachment.

FORMAT:

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of the Town of Jackson to enter upon the abovementioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Signature of Owner or Authorized Applicant/Agent

Date

Name Printed

Title

3 January 2019

Tyler Sinclair
Town of Jackson Planning and Development
150 East Pearl Avenue
Jackson, WY 83001

Mr. Sinclair,

The applicant, Abilene, LLC, is requesting approval for an Encroachment Agreement into the sewer easement for 437 North Glenwood Street.

BACKGROUND:

The applicant/owner is Abilene, LLC. The applicant owns a lot defined as Lot 4, BLK. 2, Jones, (commonly known as 437 North Glenwood Street). The lot is zoned CR-2 (Commercial Residence - 2). The lot currently has three structures for "lodging" of (4) two bedrooms and (1) studio units. The site has been heavily disturbed over the years and no longer features native vegetation. The lot is approximately .28 acres. The applicant proposes replacing the studio with a structure with (4) two-bedroom "lodging" units that is a three-story structure with parking tucked under the building per 2.2.1.E and a street wall along North Glenwood Street. The Planning Commission has approved a variance (P18-111) for the property to reduce the parking setback from a primary street from 30' to 8'.

The applicant is seeking to enter into an encroachment agreement with the town of Jackson. The client has had verbal discussions with the Town of Jackson Engineer department about the encroachment agreement. The engineering department is amendable to the following:

- 1) Reduce the first 5' on the southern part of the sewer easement's height requirement from 20' to 8' off of grade to allow for the second floor to be built over the existing sewer easement. See Exhibit #1, the hatched rectangle is the space that the applicant is requesting to encroach into the sewer easement.
- 2) The engineering department would like to add to the existing sewer easement. See Exhibit #2, the shaded rectangle is the space that would be added to the sewer easement. The southernmost boundary of the existing easement would continue to the westernmost boundary of the existing easement to complete the rectangle rather than the small space that was carved out. The new easement would read as:

EXHIBIT A

An easement for installation, repair and maintenance of sanitary sewerline and accessories over, across and through Lot 4, Block 2 of Joseph R. Jones Addition to the Town of Jackson being a portion of the NE1/4SE1/4, Section 28, T41N, R116W, 6th PM, Teton County, Wyoming, being more particularly described as follows:

Beginning at the NE corner of said Lot 4,

Thence N89°52'W along the north line of said lot, a distance of 70 feet;

Thence S0°8'W, a distance of 20 feet;

Thence S89°52'E, a distance of 70 feet, more or less, to a point on the east boundary of said

Lot4;

Thence N0°8'E along the east boundary of said Lot 4 to the Point of Beginning.

The applicant would like to make sure that the new addition (above Exhibit A) to the sewer easement also has the first 5' from the southernmost boundary only have a height limit of 8' rather than 20'.

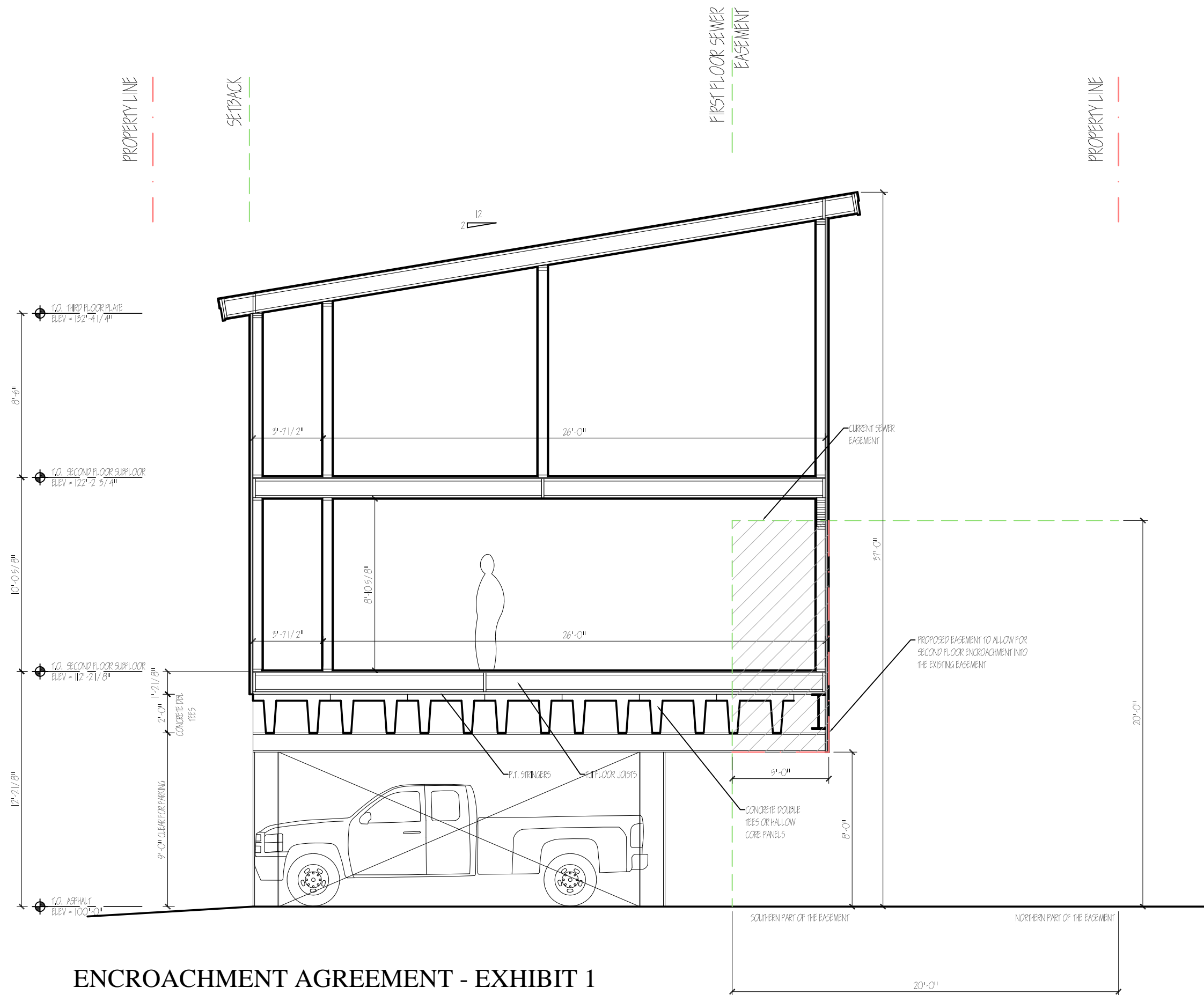
All the articles of incorporation were submitted with the variance. The ownership has not changed since the variance.

REQUEST:

The applicant respectfully requests the planning department recommend the approval of this encroachment agreement for 437 North Glenwood Street.

Thank you for your assistance with this request. Please contact me should you have any questions or concerns regarding this request. Best Regards,

Cornelius Kinsey, AIA NCARB



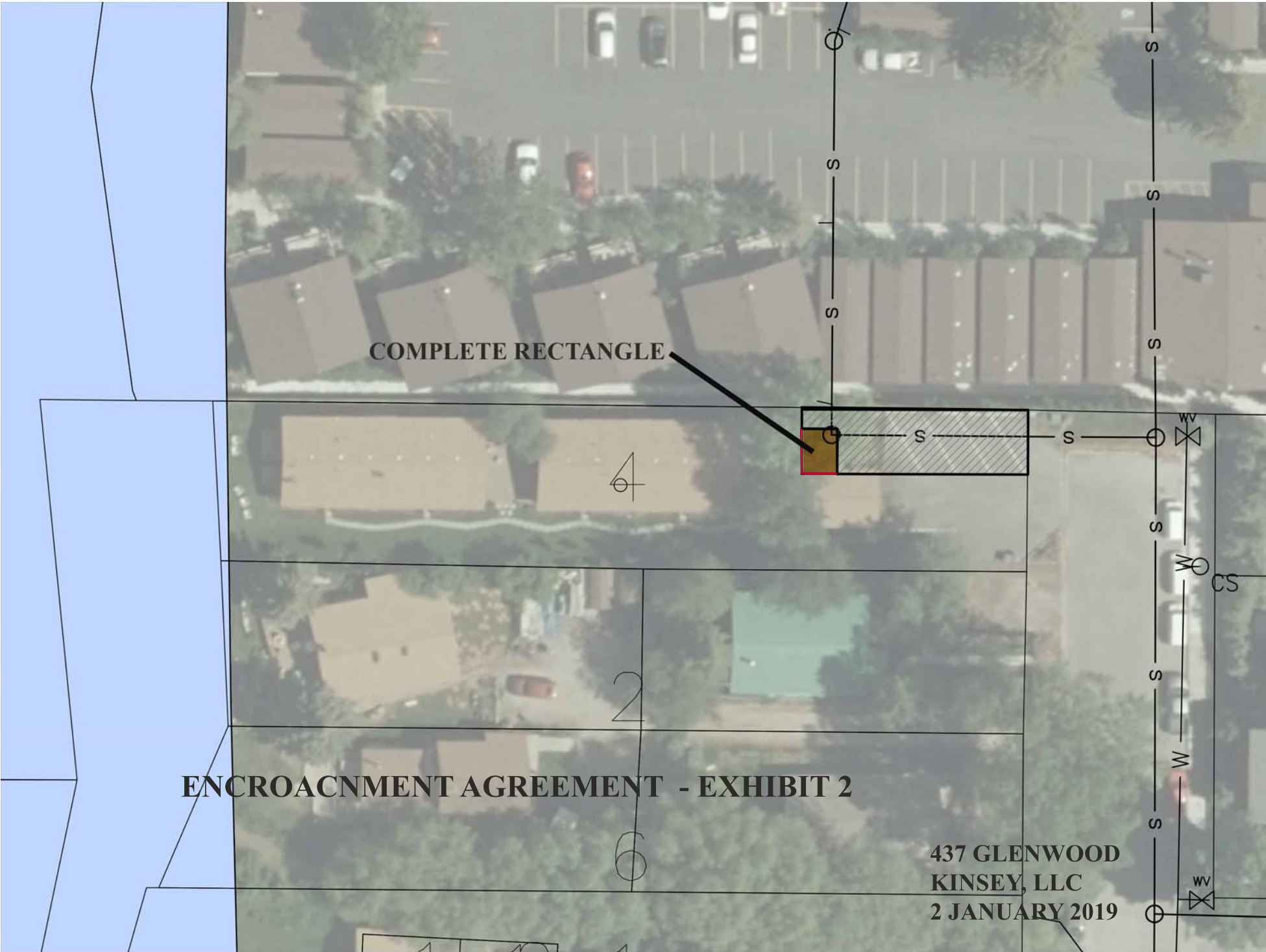
ENCROACHMENT AGREEMENT - EXHIBIT 1
3/16" = 1'-0"

437 GLENWOOD
KINSEY, LLC
2 JANUARY 2019

COMPLETE RECTANGLE

ENCROACHMENT AGREEMENT - EXHIBIT 2

**437 GLENWOOD
KINSEY, LLC
2 JANUARY 2019**



RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that for Ten (\$10.00) Dollars and other good and valuable consideration, receipt whereof being hereby acknowledged, Howard Strand and Jeffery Strand of 125 Main Street, West Orange, New Jersey, hereinafter called the "Grantors", hereby grant to the TOWN OF JACKSON, a municipal corporation of the State of Wyoming, its successors and assigns, hereinafter called the "Grantee", the right to lay out, construct, inspect, operate, maintain and repair underground pipelines, mains or sewers, and necessary and pertinent manhole structures, together with the right to excavate and refill ditches and trenches for the location of said pipelines, mains and appurtenant structures, and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction and maintenance of said pipelines, mains or sewers, and for the foregoing described purposes grant for the non-exclusive use of the Grantee, a permanent utility easement over, under and across the real property described on Exhibit "A" attached hereto and by this reference made a part hereof, consisting of one (1) page; and, provided, however, it is the intent of the Grantor and Grantee that the use and grant of this easement hereby shall not interfere or prevent Grantor from constructing an additional unit attached to and extending thirty (30) additional feet east end of the existing structure upon said Lot 4.

In addition, the Grantors grant to the Grantee, a temporary license for construction, over a strip of land twenty (20) feet in width extending another twenty-five (25) feet west of the easement described on Exhibit "A" attached

RELEASED	/
INDEXED	/
ABSTRACTED	/

Grantor: STRAND, HOWARD ET AL
 Grantee: TOWN OF JACKSON
 Doc 311020 bk 238 pg 0320-0323 Filed at 11:48 on 06/07/91
 V Jolynn Coonce, Teton County Clerk fees: 10.00
 Deputy
 By CLAIRE K ABRAMS

hereto, for the purpose of removing the existing manhole and sewer and to reconstruct Grantors sewer service, which temporary construction license shall terminate and be of no further force or effect on the date of final completion of the project; provided, however, that Grantee shall not have the right by this temporary license to remove, damage, alter or destroy any portion of the structures presently existing upon any of the real property described on Exhibit "A" hereto.

The grant herein defined is an easement and shall be perpetual so long as the same is used for the aforementioned purposes. The Grantors will not use or permit to be used, the property subject to the permanent easement for any purpose whatsoever which would unreasonably interfere with the use hereby granted to the Grantee; however, that the Grantors may use the subject property for agriculture, parking, storage or road purposes and like uses.

The Grantee shall promptly repair or replace any items or property which it shall move, alter, damage or destroy from or upon the Grantor's property and shall promptly repair any damage caused by reason of the Grantee's uses of the property as contemplated by this easement, said repair or replacement to restore the property to its same condition existing prior to said use by Grantee.

IN WITNESS WHEREOF, we have hereunto set our hands this 20th day of May, 1991, hereby waiving and releasing all rights under and by virtue of the homestead exemption laws of the State of Wyoming.


Howard Strand

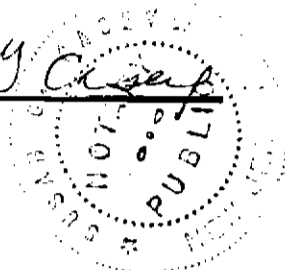

Jeffery Strand

STATE OF NEW JERSEY)
)
) ss
COUNTY OF Essex)

The foregoing Right-of-Way easement was acknowledged before me this 20th day of May, 1991, by Howard Strand and Jeffery Strand.

Witness my hand and official seal.

Susan G. Casey
Notary Public



(seal)

My Commission expires:

SUSAN G. CASEY
A Notary Public of New Jersey
My Commission Expires June 10, 1991

The foregoing easement is hereby accepted by the Town of Jackson this 3rd day of June, 1991 by William Westbrook.

TOWN OF JACKSON

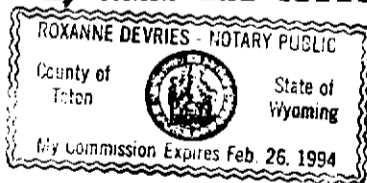
By: William Westbrook
Its Mayor

ATTEST:

By: Jacqueline I. Lynes
Its Town Clerk

The foregoing instrument was acknowledged before me by William Westbrook and Jacqueline I. Lynes, as Mayor and Town Clerk, respectively, of the Town of Jackson, this 6 day of June, 1991.

Witness my hand and official seal.



Roxanne Devries
Notary Public

(seal)

My Commission expires:

EXHIBIT A

An easement for installation, repair and maintenance of sanitary sewerline and accessories over, across and through Lot 4, Block 2 of Joseph R. Jones Addition to the Town of Jackson being a portion of the NE1/4SE1/4, Section 28, T41N, R116W, 6th PM, Teton County, Wyoming, being more particularly described as follows:

Beginning at the NE corner of said Lot 4,

Thence N89°52'W along the north line of said lot, a distance of 70 feet;

Thence S0°8'W, a distance of 6 feet;

Thence S89°52'E, a distance of 11 feet;

Thence S0°8"W, a distance of 14 feet;

Thence S89°52'E, a distance of 59 feet, more or less, to a point on the east boundary of said Lot 4;

Thence N0°8'E along the east boundary of said Lot 4 to the Point of Beginning.