



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: March 19, 2019</p> <p>Item #: P19-051</p> <hr/> <p>Planner: Tyler Valentine</p> <p>Phone: 733-0440 ext. 1305</p> <p>Fax: 734-3563</p> <p>Email: tvalentine@jacksonwy.gov</p> <hr/> <p>Owner: 370 Redmond LLC PO Box 7944 Jackson, WY 83002</p> <p>Applicant: Benjamin Goldberg PO Box 4477 Jackson, WY 83001</p> | <p style="text-align: center;">REQUESTS:</p> <p>The applicant is submitting a request to remove the declaration of restrictions for 605, 607, 615, 617 E. Hall, legally know as Lot 12, 13, BLK. 1, Hall 2.</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: April 2, 2019 (Sufficiency) April 9, 2019 (with Comments)</p> | |

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



PLANNING PERMIT APPLICATION
Planning & Building Department

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

For Office Use Only

Fees Paid _____ Date & Time Received _____
 Application #s _____
Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: 370 Redmond - Removal of Restrictive Covenants
 Physical Address: 605, 607, 615 and 617 E Hall Avenue
 Lot, Subdivision: Lots 12, 13, BLK. 1, Hall 2 PIDN: 22-41-16-34-1-26-009

PROPERTY OWNER.

Name: 370 Redmond Z LLC Phone: 718-344-5164
 Mailing Address: PO Box 7944, Jackson, WY ZIP: 83002
 E-mail: Zach@Brooklynhomecompany.com

APPLICANT/AGENT.

Name: Benjamin Goldberg Phone: 781-608-9183
 Mailing Address: PO Box 4477, Jackson, WY ZIP: 83001
 E-mail: Ben.Goldberg85@gmail.com

DESIGNATED PRIMARY CONTACT.

_____ Property Owner _____ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; review the type of application at www.townofjackson/200/Planning

| | | |
|------------------------------------|---------------------------------------|---|
| Use Permit | Physical Development | Interpretations |
| _____ Basic Use | _____ Sketch Plan | _____ Formal Interpretation |
| _____ Conditional Use | _____ Development Plan | _____ Zoning Compliance Verification |
| _____ Special Use | _____ Design Review | Amendments to the LDRs |
| Relief from the LDRs | Subdivision/Development Option | _____ LDR Text Amendment |
| _____ Administrative Adjustment | _____ Subdivision Plat | _____ Map Amendment |
| _____ Variance | _____ Boundary Adjustment (replat) | Miscellaneous |
| _____ Beneficial Use Determination | _____ Boundary Adjustment (no plat) | <input checked="" type="checkbox"/> Other: _____ |
| _____ Appeal of an Admin. Decision | _____ Development Option Plan | _____ Environmental Analysis |

PRE-SUBMITTAL STEPS. To see if pre-submittal steps apply to you, go to www.townofjackson.com/200/Planning and select the relevant application type for requirements. Please submit all required pre-submittal steps with application.

Pre-application Conference #: N/A Environmental Analysis #: N/A
Original Permit #: N/A Date of Neighborhood Meeting: N/A

SUBMITTAL REQUIREMENTS. 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. Go to www.townofjackson.com/200/Planning and select the relevant application type for submittal requirements.

Have you attached the following?

Application Fee. Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

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. Please see the Letter of Authorization template at www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF.

Response to Submittal Requirements. The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

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 or a Pre-Application Conference, if held. 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 associated checklists 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 Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Signature of Property Owner or Authorized Applicant/Agent

Name Printed

Date

Title

MISCELLANEOUS APPLICATION

370 Redmond Z LLC
605, 607, 615, 617 E Hall Avenue, Jackson, WY
(PIDN: 22-41-16-34-1-26-009)

Submitted to: Town of Jackson Planning Department

Applicant: 370 Redmond Z LLC
PO Box 7944
Jackson, WY 83002

Benjamin A. Goldberg - Attorney at Law
PO Box 4477
Jackson, WY 83001

Statement of Request:

The Applicant requests that the Declaration of Restrictions that burden the Property be released, and that the Property henceforth be considered and treated as two separate and distinct lots for all purposes including under the Town of Jackson's Land Development Regulations.

Background:

The Property consists of Lot 12 and Lot 13 of Block 1 of the John D. Hall Plat No. 2, Teton County, Wyoming, according to that plat recorded in the Office of the Teton County Clerk on July 8, 1948 as Plat No. 135. In 2001, the prior owners of the Property, Charlie M. Petersen, Jr. and Ada L. Petersen, wanted to construct a building that would lie across the common lot line of the two lots which comprise the Property. In order to do so, the Petersens needed Town Council to waive a lot line setback contained in the Town's Land Development Regulations. On July 24, 2001, the Petersens and Town Council executed a Declaration of Restrictions which was recorded on the same day as Document #0547947 in the Office of the Teton County Clerk. The Declaration of Restrictions permitted the Petersens to construct a building across the common lot line in exchange for placing the following restrictions on the Property: (1) the two lots were to remain under single ownership; and (2) the two lots were to be considered a single lot for all purposes under the Town's Land Development Regulations.

By its own terms, the Declaration of Restrictions can only be released with the prior written consent of the Town Council. Any release of the Declaration of Restrictions must be filed in the Office of the Teton County Clerk.

Reason for Request:

The Applicant purchased the Property on February 12, 2018 and has plans to demolish all structures on the Property and redevelop the Property as two separate and distinct lots (Lot 12 and Lot 13). The Applicant has no need for and will not benefit from the lot line setback waiver provided in the Declaration of Restrictions. Therefore, the Applicant is seeking a release of the Declaration of Restrictions so that it can proceed with its redevelopment plans. Please note that if the release is granted, the Applicant will develop each lot so as to conform with the applicable provisions of the Town's Land Development Regulations or seek the necessary relief.

For the foregoing reasons, the Applicant respectfully requests that the Declaration of Restrictions be released and that the Release of Declaration of Restrictions attached hereto as Exhibit A be executed and recorded in the Office of the Teton County Clerk.

Release of Declaration of Restrictions

This Release of Declaration of Restrictions (the "Release") is made by and between 370 Redmond Z LLC, a Delaware limited liability company (the "Owner") and the Town of Jackson, a municipal subdivision of the State of Wyoming (the "Town"), and is effective as of the date of recordation in the land records of the Office of the Teton County Clerk (the "Effective Date").

- Owner is the record owner of that certain real property located in the Town of Jackson, Wyoming and more particularly described as follows:
Lots 12 and 13 of Block 1 of the John D. Hall Plat No. 2, Teton County, Wyoming, according to that plat recorded in the Office of the Teton County Clerk on July 8, 1948 as Plat No. 135
PIDN: 22-41-16-34-1-26-009 (the "Property")
- The Property is burdened by a Declaration of Restrictions recorded on July 24, 2001 as Document #0547947 in the land records of the Office of the Teton County Clerk (the "Restrictions").
- The Restrictions were placed on the Property in consideration of the Town waiving a lot line setback requirement in the Town's Land Development Regulations.
- Owner desires to redevelop the Property and no longer needs a waiver from any of the applicable Land Development Regulations to do so.
- Town desires to release the Restrictions on the terms and conditions provided in this Release.

Now, therefore, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Release of Restrictions. Town hereby releases the Restrictions which shall no longer be of any force or effect. Each lot that comprises the Property shall henceforth be considered two separate and distinct lots for all legal purposes including in relation to the Town's Land Development Regulations.
2. Release of Lot Line Setback Waiver. Owner shall no longer benefit from the Lot Line Setback Waiver granted in the Restrictions. All future development on the Property shall comply with the Town's applicable Land Development Regulations or be granted relief pursuant to the mechanisms available in the Land Development Regulations.
3. Recordation. The parties agree and warrant that this Release shall be recorded in the land records of the Office of the Teton County Clerk.
4. Binding Effect. The terms of this Release shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns.
5. Counterparts. This Release may be executed in multiple counterparts and as executed shall constitute one agreement binding on all parties hereto.
6. Entire Agreement. This Release contains the entire agreement of the parties on the subject matter dealt with herein and supersedes all prior and contemporaneous understandings of the parties in connection herewith.

IN WITNESS WHEREOF, the parties hereto have executed this Release of Declaration of Restrictions to be effective as of the Effective Date.

OWNER

370 Redmond Z LLC

By:
Its:
Date: _____

STATE OF WYOMING)
) ss
COUNTY OF TETON)

On this __ day of _____, 2019, before me, the undersigned Notary Public, personally appeared _____ for 370 Redmond Z LLC, a Delaware limited liability company, and known to me, or proven by satisfactory evidence, to be the _____ of the company that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the company, by authority of statute, its articles of organization or its operating agreement, and on oath stated that he is authorized to execute said instrument on behalf of the limited liability company.

Notary Public

**Town of Jackson
Town Council**

By: Pete Muldoon
Its: Mayor
Date: _____

Attested to by the Town Clerk for the Town of Jackson, Wyoming:

Sandy Birdyshaw

STATE OF WYOMING)
) ss
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Pete Muldoon, as Mayor of the Town of Jackson, Wyoming, on this __ day of _____, 2019.

Notary Public

**DECLARATION OF RESTRICTIONS
(Lot Line Setback Waiver)**

This Declaration of Restrictions is made and executed the 24 day of July, 2001 by Charlie M. Petersen, Jr. and Ada L. Petersen, husband and wife, (hereinafter referred to collectively as "Petersen") and the Jackson, Wyoming Town Council (hereinafter referred to as the "Town Council") to become effective on the date of recordation in the Office of the Clerk of Teton County, Wyoming.

RECITALS/DECLARATION

1. Petersen is the owner of certain real property located in the Town of Jackson, County of Teton, State of Wyoming, and more particularly described as follows:

Lots 12 & 13 Block 1 John D. Hall Plat No. 2, aka John D. Hall 2nd Filing, Teton County, Wyoming, according to that Plat No. 135 recorded in the Office of the Teton County Clerk, P.I.N. 22-41-16-34-1-26-009 (hereinafter referred to as the "Property") which is depicted on that certain Exhibit A attached hereto and by this reference made a part hereof;

2. Petersen desires to construct a building (hereinafter referred to as the "Improvements") on the Property that will lie across the common lot line of the individual lots which comprise the Property. The Improvements would violate the minimum building setback requirements associated with said individual common lot line.
3. The Town Council is charged with administering the Land Development Regulations for the Town of Jackson, Wyoming.
4. The Town Council has determined that the construction of the Improvements can be permitted if the restrictions detailed below are placed on the Property.

| | |
|------------|-------------------------------------|
| RELEASED | <input checked="" type="checkbox"/> |
| INDEXED | <input checked="" type="checkbox"/> |
| ABSTRACTED | <input type="checkbox"/> |
| SCANNED | <input checked="" type="checkbox"/> |

Grantor: PETERSEN, CHARLIE M JR ET AL
Grantee: THE PUBLIC
Doc 0547947 bk 429 pg 755-759 Filed at 3:42 on 07/24/01
Sherry L Daigle, Teton County Clerk fees: 14.00
By KIMBERLEE JANSEN Deputy

5. Petersen and the Town Council, therefore, hereby declare that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, occupied and improved subject to the following limitations and restrictions which shall run with the Property, or any part thereof, and shall be binding upon successors in interest of the Owner thereof.

**ARTICLE I
GENERAL APPLICATION OF LAND DEVELOPMENT REGULATIONS**

That the Property shall henceforth be considered one (1) lot for the purposes of applying the Land Development Regulations of the Town of Jackson upon the execution of this document by the Town Council.

**ARTICLE II
SPECIFIC APPLICATION OF MINIMUM BUILDING
SETBACK REQUIREMENTS**

That the Property shall henceforth be considered one (1) lot for the purposes of determining minimum building setback requirements. Accordingly, for so long as these restrictions remain in effect, the setback requirements that pertain to the common lot line that separates Lots 12 and 13 of the Property are hereby waived by the Town Council.

**ARTICLE III
CONVEYANCE OF PROPERTY**

That the Property shall henceforth be conveyed as one property such that the ownership of Lots 12 and 13 shall be held in a single ownership.

**ARTICLE IV
AMENDMENT OF RESTRICTIONS**


The restrictions established by this instrument cannot be varied, released or amended without the prior written consent of the Town Council. Further, any variation, release or amendment of said restrictions shall be effective only after a document citing the release, or describing the amendment or variation, and executed by both the Town Council and the

owner(s) of the Property is recorded in the Office of the Clerk of Teton County, Wyoming.

**ARTICLE V
ACCEPTANCE OF RESTRICTIONS**

Every owner or purchaser of the Property shall be bound by and subject to the provisions of this Declaration, and every owner or purchaser through his or her purchase or ownership expressly accepts and consents to the operation and enforcement of the provisions of this Declaration. The restrictions set forth herein shall constitute covenants running with the Property and shall be specifically enforceable by the Town Council by any appropriate legal action, including, but not limited to specific performance, injunction, and abatement.

IN WITNESS WHEREOF, Petersen and the Town Council have executed this Declaration to become effective upon recordation in the Office of the Clerk of Teton County, Wyoming.





Charlie M. Petersen, Jr.




Ada L. Petersen

TOWN OF JACKSON
TOWN COUNCIL

Roxanne Lee Kries Robinson,
Deputy Town Clerk

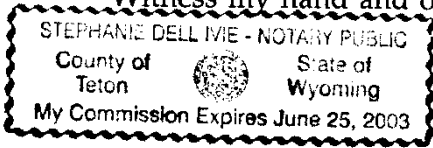


By Jeanne Jackson
its: Mayor

STATE OF WYOMING)
) ss
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Charlie M. Petersen, Jr. and Ada L. Petersen, this 18 day of JUNE, 2001.

Witness my hand and official seal.



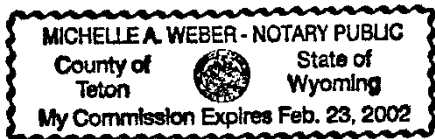
Stephanie Dell'Ive
Notary Public

My Commission Expires: June 25, 2003

STATE OF WYOMING)
) ss
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Jeanne Jackson, as Mayor of the Town of Jackson, and Roxanne DeVries Robinson, as Deputy Town Clerk, on this 16 day of July, 2001.

Witness my hand and official seal.



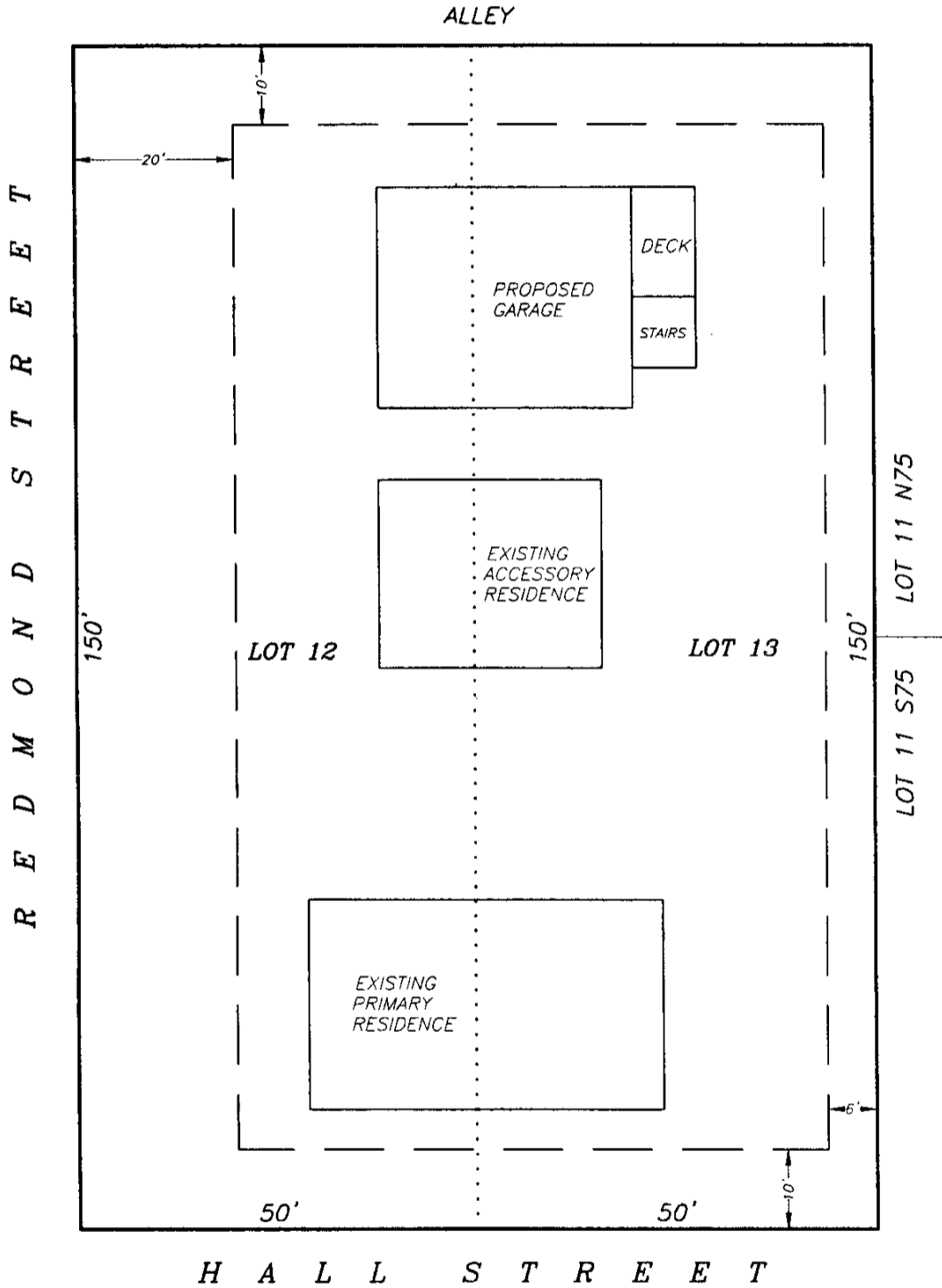
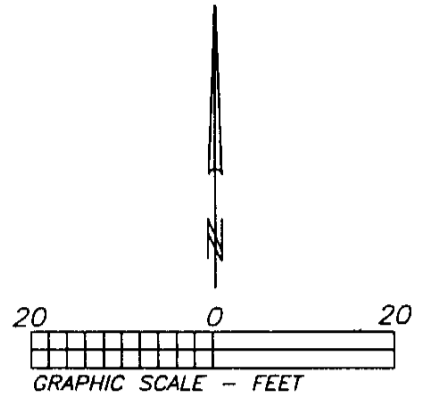
Michelle A. Weber
Notary Public

My Commission Expires:

NOTES:

Lot dimensions shown hereon are record from the recorded Plat No. 135. No actual boundary survey was performed as part of this survey.

Existing and proposed buildings were scaled from drawing titled "PLOT PLAN, INTERMOUNTAIN CONSTRUCTION MANAGEMENT GROUP, 9/2000"



LEGEND

- property line
- boundary line Lot 12/Lot 13
- adjacent property line
- - - - - setback line

EXHIBIT
PREPARED FOR
CHARLES & ADA PETERSEN
SHOWING
LOTS 12 & 13 BLOCK 1
JOHN D. HALL PLAT NO. 2
PLAT NO. 135
TETON COUNTY, WYOMING

Release of Declaration of Restrictions

This Release of Declaration of Restrictions (the "Release") is made by and between 370 Redmond Z LLC, a Delaware limited liability company (the "Owner") and the Town of Jackson, a municipal subdivision of the State of Wyoming (the "Town"), and is effective as of the date of recordation in the land records of the Office of the Teton County Clerk (the "Effective Date").

- Owner is the record owner of that certain real property located in the Town of Jackson, Wyoming and more particularly described as follows:
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- The Restrictions were placed on the Property in consideration of the Town waiving a lot line setback requirement in the Town's Land Development Regulations.
- Owner desires to redevelop the Property and no longer needs a waiver from any of the applicable Land Development Regulations to do so.
- Town desires to release the Restrictions on the terms and conditions provided in this Release.

Now, therefore, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Release of Restrictions. Town hereby releases the Restrictions which shall no longer be of any force or effect. Each lot that comprises the Property shall henceforth be considered two separate and distinct lots for all legal purposes including in relation to the Town's Land Development Regulations.
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3. Recordation. The parties agree and warrant that this Release shall be recorded in the land records of the Office of the Teton County Clerk.
4. Binding Effect. The terms of this Release shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns.
5. Counterparts. This Release may be executed in multiple counterparts and as executed shall constitute one agreement binding on all parties hereto.
6. Entire Agreement. This Release contains the entire agreement of the parties on the subject matter dealt with herein and supersedes all prior and contemporaneous understandings of the parties in connection herewith.

IN WITNESS WHEREOF, the parties hereto have executed this Release of Declaration of Restrictions to be effective as of the Effective Date.

OWNER

370 Redmond Z LLC

By:
Its:
Date: _____

STATE OF WYOMING)
) ss
COUNTY OF TETON)

On this __ day of _____, 2019, before me, the undersigned Notary Public, personally appeared _____ for 370 Redmond Z LLC, a Delaware limited liability company, and known to me, or proven by satisfactory evidence, to be the _____ of the company that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the company, by authority of statute, its articles of organization or its operating agreement, and on oath stated that he is authorized to execute said instrument on behalf of the limited liability company.

Notary Public

**Town of Jackson
Town Council**

By: Pete Muldoon
Its: Mayor
Date: _____

Attested to by the Town Clerk for the Town of Jackson, Wyoming:

Sandy Birdyshaw

STATE OF WYOMING)
) ss
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Pete Muldoon, as Mayor of the Town of Jackson, Wyoming, on this __ day of _____, 2019.

Notary Public