

**AMENDED ORDINANCE NO. 1, SERIES 2016**

**AN ORDINANCE VACATING AND ABANDONING PORTIONS OF CEDAR STREET AND 5<sup>TH</sup> AVENUE IN THE NEIMAN ADDITION, FIRST ENLARGEMENT TO THE TOWN OF UPTON, WESTON COUNTY, WYOMING**

WHEREAS the Town of Upton published a "Notice of Hearing to Consider Vacating Streets" in the Weston County Gazette on October 29, 2015 and November 5, 2015, advising persons opposed to this vacation and abandonment to appear at the Upton Community Center on November 10, 2015, at 7:30 p.m., and make their objections; and

WHEREAS a public hearing was held as advertised, and the council having determined that the best interests of the Town and of the public would be served by vacating and abandoning portions of Cedar Street and 5<sup>th</sup> Avenue,

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF UPTON, WESTON COUNTY, WYOMING:**

**Section 1:** Portions of Cedar Street and Fifth Avenue in the Town of Upton, Wyoming are hereby vacated and abandoned as public streets as follows:

PARCEL 1:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 9 OF NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH AN IRON PIPE;  
THENCE S 00°00'43" W, 109.90 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 TO A "CAP";  
THENCE N 89°40'37" W, 6.00 FEET TO A "CAP";  
THENCE N 00°00'43" E, 109.87 FEET TO A "CAP";  
THENCE N 89°57'23" E, 6.00 FEET TO THE POINT OF BEGINNING;  
SAID PARCEL ENCOMPASSES 0.02 ACRES MORE OR LESS.

PARCEL 2:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 9 OF NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH A 1-1/2" ALUMINUM CAP STAMPED WLS 545;  
THENCE S 00°04'29" E, 9.86 FEET TO A "CAP";  
THENCE N 89°44'29" W, 305.78 FEET TO A "CAP";  
THENCE N 00°00'43" E, 119.79 FEET TO A "CAP";  
THENCE N 89°40'37" E, 6.00 FEET TO THE NORTHWEST CORNER OF LOT 10, OF SAID BLOCK 9, MARKED WITH A "CAP";  
THENCE S 00°00'43" W, 109.90 FEET TO THE SOUTHWEST CORNER OF LOT 10, OF SAID BLOCK 9, MARKED WITH A "CAP";  
THENCE S 89°43'14" E, 299.77 FEET TO THE POINT OF BEGINNING;  
SAID PARCEL ENCOMPASSES 0.08 ACRES MORE OR LESS.

PARCEL 3:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 9 OF NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH A 1-1/2" ALUMINUM CAP STAMPED WLS 545;  
THENCE S 00°04'29" E, 9.86 FEET TO A "CAP";  
THENCE S 00°04'29" E, 60.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AND THE TRUE POINT OF BEGINNING MARKED WITH A "CAP";

THENCE S 00°04'29" E, 9.86 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK 13 OF THE NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH A "CAP";  
THENCE N 89°45'44" W, 299.89 FEET TO THE NORTHWEST CORNER OF LOT 1, OF SAID BLOCK 13, MARKED WITH A "CAP";  
THENCE S 00°00'43" W, 109.90 FEET TO THE SOUTHWEST CORNER OF LOT 1, OF SAID BLOCK 13, MARKED WITH A "CAP";  
THENCE S 89°44'39" W, 6.00 FEET TO A "CAP";  
THENCE N 00°00'43" E, 119.90 FEET TO A "CAP";  
THENCE S 89°44'29" E, 305.87 FEET TO THE TRUE POINT OF BEGINNING;  
SAID PARCEL ENCOMPASSES 0.08 ACRES MORE OR LESS.

PARCEL 4:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 13 OF NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH AN IRON PIPE;  
THENCE N 89°43'34" W, 6.00 FEET TO A "CAP";  
THENCE N 00°00'43" E, 109.90 FEET TO A "CAP";  
THENCE N 89°44'39" E, 6.00 FEET TO THE NORTHWEST CORNER OF LOT 10, OF SAID BLOCK 13, MARKED WITH A "CAP";  
THENCE S 00°00'43" W, 109.90 FEET TO THE POINT OF BEGINNING;  
SAID PARCEL ENCOMPASSES 0.02 ACRES MORE OR LESS.

PARCEL 5:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 12 OF NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH A REBAR;  
THENCE N 89°57'33" E, 299.81 FEET TO THE NORTHEAST CORNER OF LOT 6, BLOCK 12, THE TRUE POINT OF BEGINNING MARKED WITH A "CAP";  
THENCE N 89°57'33" E, 13.82 FEET TO A "CAP";  
THENCE S 00°00'43" W, 109.95 FEET TO A "CAP";  
THENCE S 89°55'15" W, 13.91 FEET TO THE SOUTHEAST CORNER OF LOT 6, OF SAID BLOCK 12, MARKED WITH A "CAP";  
THENCE N 00°03'26" E, 109.96 FEET TO THE TRUE POINT OF BEGINNING;  
SAID PARCEL ENCOMPASSES 0.04 ACRES MORE OR LESS.

PARCEL 6:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 12 OF NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH A 1-1/2" ALUMINUM CAP STAMPED WLS 545;  
THENCE N 00°01'06" W, 9.86 FEET TO A "CAP";  
THENCE S 89°52'58" E, 313.71 FEET TO A "CAP";  
THENCE S 00°00'43" W, 119.16 FEET TO A "CAP";  
THENCE S 89°57'33" W, 13.80 FEET TO THE SOUTHEAST CORNER OF LOT 5, OF SAID BLOCK 12, MARKED WITH A "CAP";  
THENCE N 00°03'26" E, 109.96 FEET TO THE NORTHEAST CORNER OF LOT 5, OF SAID BLOCK 12, MARKED WITH A "CAP";  
THENCE S 89°59'50" W, 299.99 FEET TO THE POINT OF BEGINNING;  
SAID PARCEL ENCOMPASSES 0.10 ACRES MORE OR LESS.

PARCEL 7:

BEGINNING AT THE NORTHEAST CORNER OF LOT 3, BLOCK 8 OF NEIMAN ADDITION, FIRST ENLARGEMENT MARKED WITH AN IRON PIPE;  
THENCE N 89°57'23" E, 14.14 FEET TO A "CAP";  
THENCE S 00°00'43" W, 125.63 FEET TO A "CAP";  
THENCE S 00°00'43" W, 134.86 FEET TO A "CAP";  
THENCE N 89°52'58" W, 313.75 FEET TO A "CAP";

THENCE N 00°01'46" W, 9.86 FEET TO THE SOUTHWEST CORNER OF LOT 6, OF SAID BLOCK 8, MARKED WITH A "CAP";  
THENCE S 89°45'45" E, 299.52 FEET TO THE SOUTHEAST CORNER OF LOT 4, OF SAID BLOCK 8, MARKED WITH AN IRON PIN;  
THENCE N 00°02'10" E, 125.61 FEET TO THE SOUTHEAST CORNER OF LOT 3, OF SAID BLOCK 8, MARKED WITH A 1-1/2" ALUMINUM CAP STAMPED WLS 545;  
THENCE N 00°02'10" E, 125.61 FEET TO THE POINT OF BEGINNING;  
SAID PARCEL ENCOMPASSES 0.15 ACRES MORE OR LESS.

EACH "CAP" IS A 1 1/2" ALUMINUM CAP STAMPED LS 14275 AND MOUNTED ATOP A #5 x 24" REBAR.

**Section 2:** The Town of Upton does not reserve from this vacation and abandonment any easement for water, sewer or other utilities.

**Section 3:** The owners of lots adjacent to the vacated streets shall be the owners of the streets adjoining their respective lots and properties in equal proportions.

**Section 4:** Following passage, approval and publication the Town Clerk shall record this Ordinance with the Weston County Clerk, Newcastle, Wyoming.

**Section 5:** This Ordinance shall take effect after passage and publication.

Passed on first reading: \_\_\_3/14/17

Passed on second reading: 4/11/17

PASSED, APPROVED AND ADOPTED on third reading this \_\_9\_\_ day of  
\_\_May\_\_\_\_\_, 2017.