

RESOLUTION NO. _____

ENTITLED: "A RESOLUTION SUPPORTING THE CONVERSION OF A PORTION OF DUTCHER BALL FIELDS, LOCATED AT 4200 CONVERSE AVENUE, CHEYENNE, WYOMING FROM PERPETUAL PUBLIC OUTDOOR RECREATION USE AND COMMITTING TO PURCHASE AND ENCUMBER THREE REPLACEMENT PROPERTIES TO BE DEED RESTRICTED FOR PERPETUAL PUBLIC OUTDOOR RECREATION USE PURSUANT TO THE REQUIREMENTS SET FORTH IN THE LAND AND WATER CONSERVATION FUND ACT."

WHEREAS, The City desires to convert approximately 2.9 acres of the Dutcher Ball Field property to a non-recreational use to build a municipal fire station;

WHEREAS, the Land and Water Conservation Fund (LWCF) Act of 1965, now codified at 54 U.S.C. § 200305(f)(3), and its implementing regulations at 36 C.F.R. Part 59 requires that no property acquired or developed with LWCF assistance shall be converted to other than public outdoor recreation uses without the approval of the Secretary of the Interior;

WHEREAS, the Secretary of the Interior may allow for the conversion of property to other than a public outdoor recreation use upon finding the conversion to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan and only upon such conditions as the Secretary deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Parks or recreation areas acquired or developed with LWCF assistance (in whole or part) are now referred to as "LWCF-assisted areas" or "LWCF boundary areas;"

WHEREAS, the City intends to take actions to purchase three properties as replacements and agrees to allow deed restrictions for perpetual outdoor recreation use (Greenway corridor) as described in the attached exhibit, at the time of purchase;

WHEREAS, the proposed replacement property descriptions are as follows and as described in the attached exhibit:

Property #1, 4.01 acres, legal description:

14-66:A TRACT OF LAND SITUATED IN THE SE1/4 SW1/4 OF SECTION 35 & NE1/4 NW1/4 OF SECTION 2 DESC AS: COMMENCING AT THE SOUTHWEST COMER OF SAID SECTION 35; THENCE 77°50'12", GRID AZIMUTH FROM NORTH, CITY OF CHEYENNE DATUM, A DISTANCE OF 2407.95' TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF SUN VALLEY ADDITION 12TH FILING AND THE SOUTHWESTERLY CORNER OF SUN VALLEY ADDITION 14TH FILING; THENCE 235°40'06", ALONG THE SOUTHERLY LINE OF SAID SUN VALLEY ADDITION 12TH FILING, A DISTANCE OF 910.00' TO THE SOUTHWESTERLY COMER OF SAID ADDITION; THENCE 145°42'26", A DISTANCE OF 258.3' TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE

the City of Cheyenne for this project, the Mayor is authorized to execute any necessary agreements and associated documents.

PRESENTED, READ, AND ADOPTED this ____ day of _____, 2022.

Patrick Collins, Mayor

(Seal)

ATTEST:

Kristina F. Jones, City Clerk

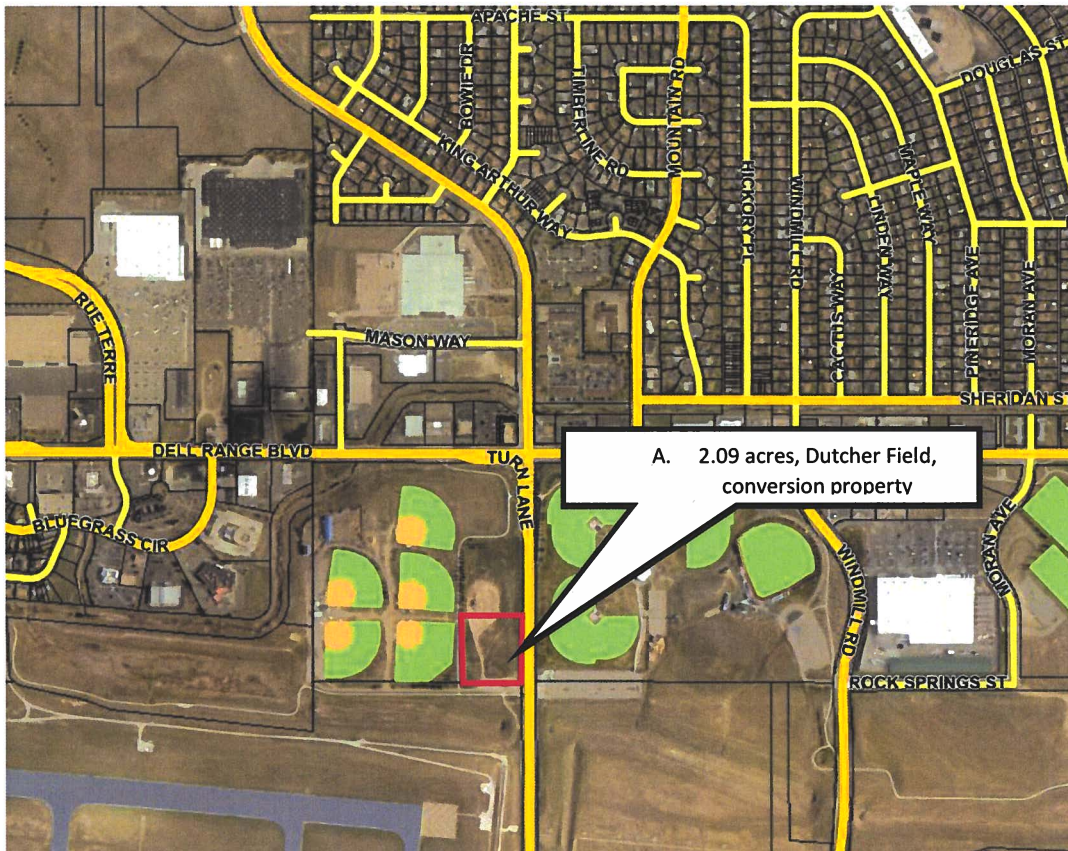
Potential Conversion Replacement Maps

June 1, 2022

Cheyenne, Wyoming

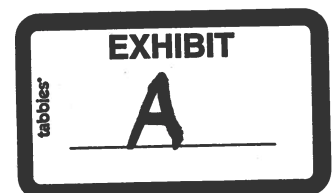
These maps are provided to identify potential replacement properties for outdoor recreation activities in the community. The replacement properties will connect the City's new East Park via a recreational trail to the community and other recreational amenities.

Property for Conversion:

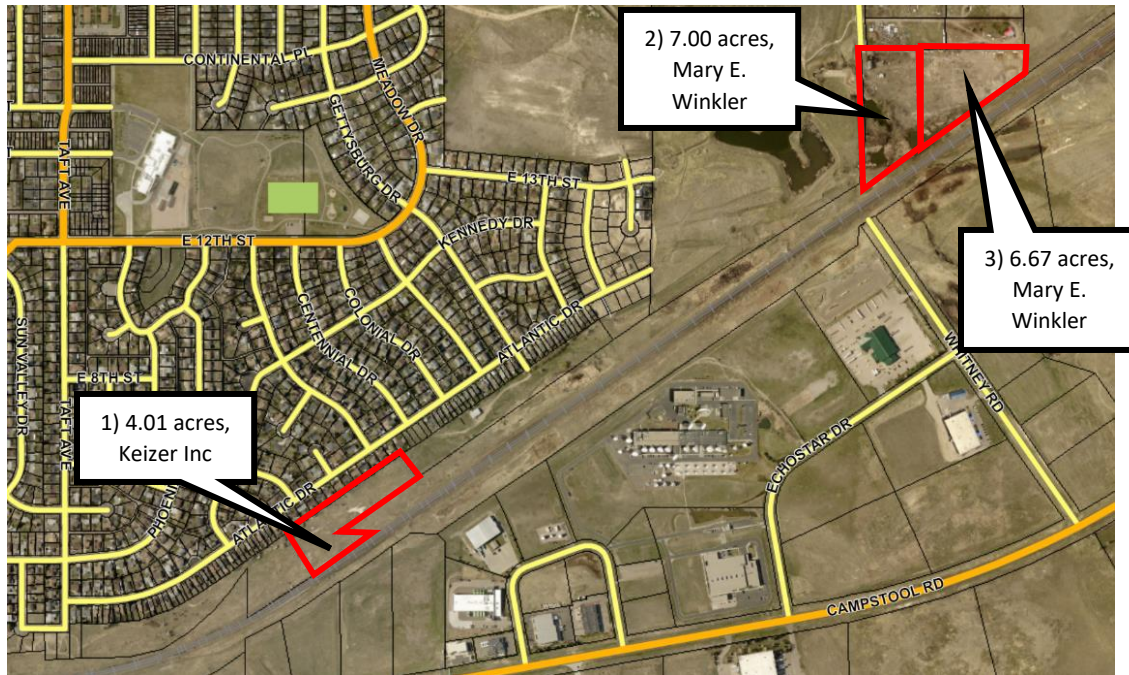


LEGAL DESCRIPTION, A PORTION OF THE SOUTHEAST CORNER OF THE N1/2 NW1/4 SEC 28 LYING WEST OF CONVERSE AVE AND NORTH OF LOT 1, BLOCK 1, CHEYENNE AIRPORT ADDITION

Lat / Lon N: 41.15747°, W: 104.78604°



Potential Replacements 1-3



1) 4.01 acres

Legal Description:

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Lat / Lon N: 41.13142°, W: 104.74447°

2) 7.00 acres

Legal Description: A TRACT IN SEC 36, DESC AS: BEG AT A PNT ON SOUTH LINE OF LINCOLN VALLEY TR, WHICH PNT BEARS N 33 DEG 02' E, 631.84' FROM WEST 1/4 COR OF SD SEC, 704.54' WEST OF SOUTHEAST COR TR 10 LINCOLN VALLEY TR; TH S 2 DEG 40' E, 648.06' TO A PNT ON NORTH R/W LINE OF UPRR; TH S 55 DEG 19' W ALONG SD R/W, 471.16'; TH N 2 DEG 06' E, 385.9' TO WEST 1/4 COR OF SD SEC 36; TH N 2 DEG 40' W, 530.3' TO SOUTHWEST COR OF SD LINCOLN VALLEY TR; TH EAST ALONG SOUTH LINE OF SD TR, 369.06' TO POB.

Lat / Lon N: 41.13850°, W: 104.73138°

3) 6.67 acres

Legal Description: A TRACT IN SEC 36, DESC AS: BEG AT A PNT ON SOUTH LINE OF LINCOLN VALLEY TRACTS, WHICH PNT BEARS N 33 DEG 02' E, 631.84' FROM WEST 1/4 COR OF SD SEC, 704.54' WEST OF SOUTHEAST COR OF TR 10 LINCOLN VALLEY TRACTS; TH EAST ALONG SOUTH LINE OF SD TRACT, 704.54' TO SOUTHEAST CORNER OF TRACT 10; TH S 2 DEG 40' E, 177' TO A PNT ON NORTH R/W LINE OF UPRR; TH S 55 DEG 19' W ALONG SD R/W, 830.04'; TH N 2 DEG 40' W, 648.06' TO POB.

Lat / Lon N: 41.13898°, W: 104.72939°

**LAND AND WATER CONSERVATION FUND (LWCF)
FEDERAL PROTECTION FOR OUTDOOR RECREATION**

This document (or one similar) and the ASLO signed LWCF Boundary Map must be recorded with the property deed upon close-out. Please reference Wyoming State Statute 18-3-402 (a)(xii) for filing information.

The property indicated on the attached Boundary Map was acquired and/or developed with a grant from the Federal Land and Water Conservation Fund (LWCF) Financial Assistance to States section of the LWCF Act (Public Law 88-578, 78 Stat 897, codified at 56 U.S.C. §2003). This grant program is administered at the federal level by the U.S. Department of the Interior National Park Service (NPS) and at the State level by the Wyoming Department of State Parks and Cultural Resources (SPCR). Grants are generally made to local units of government to acquire or develop local parks. The recipient agency is identified on the LWCF Boundary Map.

The *Land and Water Conservation Fund Act of 1965* (Public Law 88-578; 78 Stat. 897) Section 6(f)(3) states that property acquired or developed with LWCF assistance **shall be retained and used for public outdoor recreation in perpetuity**. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the pre-approval of SPCR and the U.S. Department of the Interior. The Department of the Interior has the ultimate authority to disapprove conversion requests and/or reject proposed property substitutions.

Conversions generally occur in the following situations:

1. Property interests are conveyed for non-public outdoor recreation uses.
2. Non-outdoor recreation uses (public or private) are made of all or part of the project area.
3. Indoor recreation facilities, which do not support facilities for outdoor recreation, are developed within the park.
4. Public outdoor recreation use of the property is terminated.

Examples of typical conversions are new public thoroughfares, utility lines, indoor recreation facilities (community centers, swimming pools, etc.), other civic structures (fire stations, schools, libraries, fairgrounds, town halls, etc.); and the introduction of exclusive (nonpublic) uses.

If a conversion cannot be avoided, the project sponsor will be held responsible to see that real property of equivalent value, usefulness and location are provided to replace that converted at the park site as indicated on the attached map. Repayment of the grant funds or the provision of replacement facilities is not an acceptable form of mitigation.

LWCF regulations also specify that all future utilities constructed or renovated on the site must be installed underground. Future utility lines in and near the project area require approval prior to their construction.

The provisions of the *LWCF Act* apply in perpetuity and thus continue with the land even after any LWCF assisted facilities have served their useful lives and been discontinued.

Proposed conversions must receive advance approval from SPCR and the U.S. Department of the Interior. Replacement property must receive federal approval prior to its acquisition. Conversion requests involve specific detailed documentation. Please contact SPCR to obtain further information regarding a conversion. The Agency's contact is:

Louisa Lopez, Recreation Grants Manager
Wyoming Department of State Parks and Cultural Resources
2301 Central Avenue, Barrett Bldg., 4th Fl. - Cheyenne, WY 82002
Phone: 307-777-6491 Email: louisa.lopez@wyo.gov

Please use this section if it is required by the County Clerk:

ACKNOWLEDGEMENT SPCR

STATE OF WYOMING)
) SS
COUNTY OF ALBANY)

The foregoing instrument was acknowledged before me by _____, this _____ day of _____, 20__.

Witness my hand and official seal.

_____ Notary Public

My Commission expires _____.

ACKNOWLEDGEMENT SPONSOR/GRANTEE

STATE OF WYOMING)
) SS
COUNTY OF ALBANY)

The foregoing instrument was acknowledged before me by _____, this _____ day of _____, 20__.

Witness my hand and official seal.

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My Commission expires _____.

UNION PACIFIC RAILROAD; THENCE 55°42'26", ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 375.62' TO THE SOUTH LINE OF SAID SECTION 35 THENCE 270°12'54" ALONG SAID SECTION LINE, A DISTANCE OF 176.52'; THENCE 55°42'26", ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 679.84'; THENCE 325°42'26" A DISTANCE OF 158.94' TO THE POINT OF BEGINNING.

Lat / Lon N: 41.13142°, W: 104.74447°

Property #2, 7.00 acres, legal description (exhibit B):

A TRACT IN SEC 36, DESC AS: BEG AT A PNT ON SOUTH LINE OF LINCOLN VALLEY TR, WHICH PNT BEARS N 33 DEG 02' E, 631.84' FROM WEST 1/4 COR OF SD SEC, 704.54' WEST OF SOUTHEAST COR TR 10 LINCOLN VALLEY TR; TH S 2 DEG 40' E, 648.06' TO A PNT ON NORTH R/W LINE OF UPRR; TH S 55 DEG 19' W ALONG SD R/W, 471.16'; TH N 2 DEG 06' E, 385.9' TO WEST 1/4 COR OF SD SEC 36; TH N 2 DEG 40' W, 530.3' TO SOUTHWEST COR OF SD LINCOLN VALLEY TR; TH EAST ALONG SOUTH LINE OF SD TR, 369.06' TO POB.

Lat / Lon N: 41.13850°, W: 104.73138°

Property #3, 6.67 acres, legal description (exhibit C):

A TRACT IN SEC 36, DESC AS: BEG AT A PNT ON SOUTH LINE OF LINCOLN VALLEY TRACTS, WHICH PNT BEARS N 33 DEG 02' E, 631.84' FROM WEST 1/4 COR OF SD SEC, 704.54' WEST OF SOUTHEAST COR OF TR 10 LINCOLN VALLEY TRACTS; TH EAST ALONG SOUTH LINE OF SD TRACT, 704.54' TO SOUTHEAST CORNER OF TRACT 10; TH S 2 DEG 40' E, 177' TO A PNT ON NORTH R/W LINE OF UPRR; TH S 55 DEG 19' W ALONG SD R/W, 830.04'; TH N 2 DEG 40' W, 648.06' TO POB.

Lat / Lon N: 41.13898°, W: 104.72939°

WHEREAS, the project meets the criteria for the Land and Water Conservation Fund Conversion.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING, that the Governing Body supports a LWCF land conversion;

BE IT FURTHER RESOLVED, the Mayor of the City of Cheyenne or other City official designated by the Mayor, is authorized to sign any necessary applications or other documents as required for a LWCF land conversion; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Cheyenne is hereby designated as the authorized representative of the City to act on behalf of the Governing Body on all matters relating to this conversion application, and in the event the conversion is awarded to

the City of Cheyenne for this project, the Mayor is authorized to execute any necessary agreements and associated documents.

PRESENTED, READ, AND ADOPTED this ____ day of _____, 2022.

Patrick Collins, Mayor

(Seal)

ATTEST:

Kristina F. Jones, City Clerk

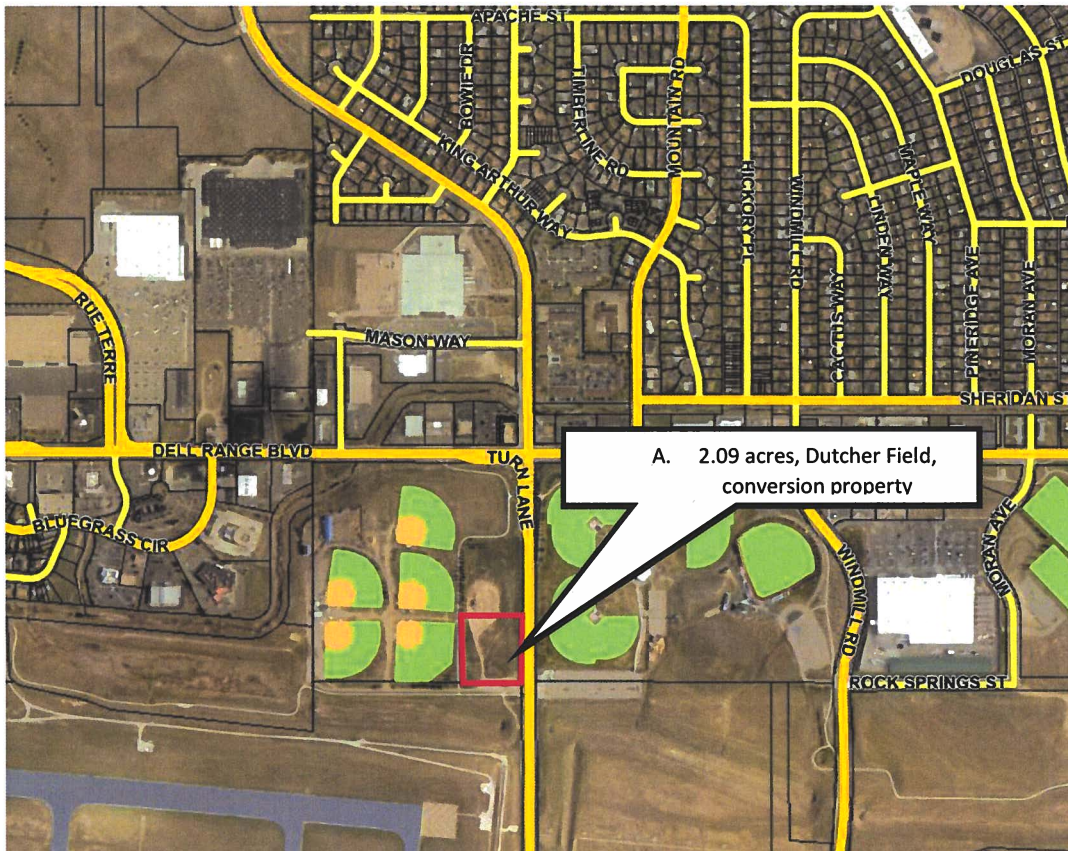
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June 1, 2022

Cheyenne, Wyoming

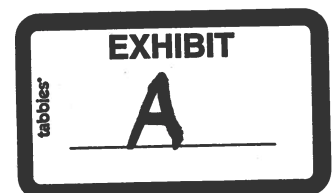
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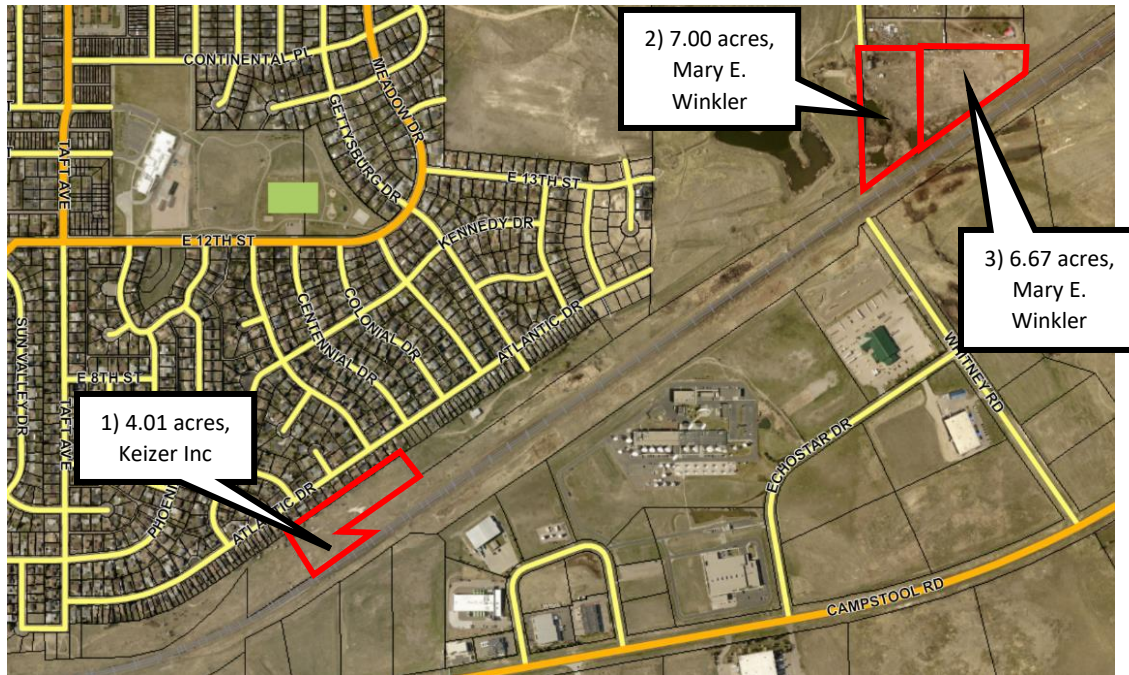


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_____ Notary Public

My Commission expires _____.

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