

**APPROVED**

By John Brodie at 9:38 am, Oct 17, 2022

RESOLUTION NO. \_\_\_\_\_

**ENTITLED: "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE TRANSFER, PURCHASE AND SALE OF A SPECIFIED PORTION OF THE PROPERTY LOCATED AT 1720 CLEVELAND AVENUE"**

WHEREAS, on or about July 22, 1980, through the execution of a quitclaim deed, the Wyoming State Highway Commission (the "Commission") conveyed to the City of Cheyenne (the "City") title to 1720 Cleveland Avenue (the "Cleveland Avenue property"), presently being used by the City for Fire Station No. 3. The quitclaim deed is attached and incorporated herein as *Exhibit A*;

WHEREAS, the Commission conveyed the Cleveland Avenue property to the City subject to a deed restriction, which prohibited the City from conveying the property, without the express consent of the Commission and the Federal Highway Administration (the "FHA"), when such conveyance would cause the property to be used for something other than public purposes. (*See Exhibit A*, at p.2);

WHEREAS, the conveyance by the Commission also included a reversionary clause whereby if the City were to convey all or any part of the Cleveland Avenue property without the prior written approval of the Commission and the FHA, fee simple title to the property would immediately revert to the Commission and such conveyance would be null and void. (*See Exhibit A*, at p.2);

WHEREAS, as a result of the 2021 November election and through the use of the voluntary one percent (1%) specific purpose sales and use tax, voters in Laramie County approved the use of taxpayer funds for the relocation and replacement of three (3) fire stations, including Fire Station No. 3;

WHEREAS, US 30 BP, LLC, a Wyoming limited liability company, intends to purchase, and the City intends to convey, a specified portion of the Cleveland Avenue property in exchange for other property of value to the City. (*See Exhibit B*, 1720 Cleveland Avenue portion appraisal, p.20, attached and incorporated herein);

WHEREAS, on September 16, 2022, the City received an appraisal valuing the estimated market value of the specified portion of the Cleveland Avenue property, fee simple, at five hundred seventy thousand dollars (\$570,000.00) (*See Exhibit B*, at p.2);

WHEREAS, the FHA deferred to the legal successor of the Commission, the Transportation Commission of Wyoming, within the Wyoming Department of Transportation (collectively referred to as the "State of Wyoming"), on whether the necessary written approval should be provided to the City to authorize the conveyance and sale of the specified portion of the Cleveland Avenue property to US 30 BP, LLC, and the State of Wyoming has thus far declined to issue its written approval;

WHEREAS, to accomplish the relocation and replacement of Fire Station No. 3, the City must have the authority to convey the specified portion of the Cleveland Avenue property regardless of whether its use will continue for public purposes;

WHEREAS, to effectuate the conveyance and sale of the specified portion of the Cleveland Avenue property to US 30 BP, LLC, the City will seek to secure the prior written approval of the Commission and the FHA or will execute a quitclaim deed to the State of Wyoming conveying fee simple title to the specified portion of the Cleveland Avenue property and then reacquire the specified portion of the Cleveland Avenue property;

WHEREAS, regardless of whether the City is able to secure prior written approval, or must execute a quitclaim deed and then reacquire the specified portion of the Cleveland Avenue property from the State of Wyoming, the City intends to enter into a purchase and sale agreement with the State to secure clear title to the Cleveland Avenue property in the amount of five hundred seventy thousand dollars (\$570,000.00) utilizing the approved one percent (1%) specific purpose sales and use tax revenue; and

WHEREAS, upon completion of the purchase and sale agreement with the State of Wyoming, the City intends to enter into a subsequent purchase and sale agreement with US 30 BP, LLC, which agreement will include the specified portion of the Cleveland Avenue property, in exchange for property upon which the new Fire Station No. 3 will be located.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING, that the Mayor is authorized to execute all necessary documents related to the transfer, purchase, and sale of the specified portion of the property located at 1720 Cleveland Avenue as described in *Exhibit B*, p.20.

PRESENTED, READ AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
Patrick Collins, Mayor

(SEAL)

ATTEST:

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Kristina F. Jones, City Clerk