



Board of County Commissioners - Staff Report

Meeting Date: 10/18/2016
Submitting Dept: Engineering

Presenter: Amy Ramage
Subject: Consideration of an Agreement

Statement / Purpose:

WYDOT is requesting a permit to enter upon Teton County owned lands for the purposes of constructing the Snake River North Section of South Hwy 89 with the County to receive fair market value for compensation.

Background / Description (Pros & Cons):

WYDOT has determined the need for construction permits at 3 locations on Teton County property for the proposed Snake River North Section project. Two of the permits are to construct approaches at the Trash Transfer Station and at the South Park Feedground Road. The third permit is to allow for borrow material to be excavated on Teton County property just south of the Trash Transfer Station. See the attached plan sheet.

An appraisal has been prepared by WYDOT to determine fair market value compensation for these permits which equates to \$20,360.00

The use of these permit areas will commence upon the date of the awarding of the project by the Transportation Commission of Wyoming (anticipated January 2017) and will have a 2 year duration.

Stakeholder Analysis & Involvement:

WYDOT.

Will require coordination during construction with Trash Transfer station and State Feedground access to maintain accessibility during construction.

Fiscal Impact:

Receive \$20,360.00 from WYDOT per appraisal documents.

Staff Impact:

minimal

Legal Review:

Gingery

Staff Input / Recommendation:

Recommend signing agreement with WYDOT.

Attachments:

Permit document, Summary statement of fair market value, map exhibit. Appraisal not attached as it is 90 pages long, but can be provided upon request.

Suggested Motion:

I move to approve the agreement to grant WYDOT, its agent, and contractors permission to enter upon Teton County property Parcel 14, 14A, and 14B to construct the Snake River North highway project, in consideration of \$20,360.00.



Matthew H. Mead
Governor

Wyoming Department of Transportation

"Providing a safe, high quality, and efficient transportation system"

5300 Bishop Boulevard
Cheyenne, Wyoming 82009-3340



William T. Panos
Director

September 12, 2016

Teton County
PO Box 1727
Jackson, WY 83001

Project: N104083
Road: Hoback-Jackson
Section: Snake River North
County: Teton
Parcel No.: 14

To Whom it May Concern:

The Wyoming Department of Transportation (the Department) is planning a road construction project along Highway 191/89/26 south of Jackson. The project begins at R.M. 144.99 near Swinging Bridge Road, and extends north 3.71 miles to South Park Loop. The roadway will be widened to 5 lanes throughout the project limits. Several bridge structures will also be replaced during construction.

In order to construct this project, the Department is proposing to acquire a temporary Construction Permit. The Department's Review Appraiser has concurred with the Appraiser's determination of the current "Fair Market Value" of your property.

The permit areas as shown on Exhibit "A", crosshatched in red, will be used as a temporary construction permit area for borrow and approach reconstructions and will be reclaimed to the extent that can be reasonably accomplished.

Based on the enclosed "Summary Statement of Fair Market Value", the Wyoming Department of Transportation is hereby authorized to offer you the sum of \$20,360.00 for a temporary Construction Permit.

Please find the following documents enclosed for your review:

1. Original and copy of the Permit;
2. Original and copy of the Official Receipt;
3. Copy of the Right of Way Engineering Plans marked "Exhibit A";
4. Copy of the Right of Way Brochure "Highways and your Land";
5. Copy of the Valuation Report;
6. Summary Statement of Fair Market Value;
7. WYDOT Vendor Form; and
8. Request for Taxpayer Identification Number (W-9 Form).

Please understand that you have 65 days from the date of this mailing to respond, in writing, to the Department's offer. The Department and the Landowner are obligated to negotiate in good faith. You are under no obligation to accept this written offer, but failure to respond will constitute a waiver under Wyoming Statute 1-26-510 of any claim that the Department has **not** negotiated in good faith. At any time during the negotiation process, and upon mutual agreement, either party may request dispute resolution, including mediation or arbitration or the informal procedures for resolving disputes through the Wyoming Agricultural and Natural Resource Mediation Board. Should negotiations fail, formal legal proceedings may be requested by the Department. You may at any time, seek advice from an attorney, real estate appraiser, or any other person of your choosing during this process.

If all is in order please sign and complete the originals of the **Permit, Official Receipt, and the W-9 form**. You may return these documents in the enclosed, postage pre-paid envelope.

Should you have any questions or concerns regarding this project, or would like to accompany me, or a Department representative, on an inspection of the property being acquired, please contact Amy Lambert toll-free at 1-888-570-9908, direct at (307) 777-4127, or by email at amy.lambert@wyo.gov.

Sincerely yours,
Roy Weber
Project Manager



By Amy Lambert
Staff Appraiser

SENT BY U.S. CERTIFIED MAIL

91 7199 9991 7030 7581 9071



Matthew H. Mead
Governor

Wyoming Department of Transportation

"Providing a safe, high quality, and efficient transportation system"

5300 Bishop Boulevard
Cheyenne, Wyoming 82009-3340



William T. Panos
Director

MEMORANDUM

TO: Teton County, Wyoming
PO Box 1727
Jackson, WY 83001

Project: N104083
Road: Hoback-Jackson
Section: Snake River North
County: Teton
Parcel: 14

SUBJECT: SUMMARY STATEMENT OF FAIR MARKET VALUE

In order that you may be apprised of the basis of our determination of fair market value for the following described property, we submit the following information.

- A. **Identification of the real property to be acquired:** Parcels of land located in the SW¹/₄NW¹/₄ of Section 27, Township 40 North, Range 116 West of the 6th P.M., Teton County, Wyoming.
- B. **Type of Interest being acquired:** Temp. Easement
- C. **Identification of all Improvements including fixtures which are to be acquired:** None
- D. **Identification of real property improvements including fixtures to be acquired which are not owned by the owner of the land:** None
- E. **Identification of major items which are considered personal property and therefore are not included in this summary of value:** None

F. Summary of fair market value

(1) Land	\$0.00
(2) Damages	\$0.00
(3) Improvements	\$0.00
(4) Temporary Takings	\$20,360.00
(5) Less Benefits	\$0.00
(6) Total	\$20,360.00

- G. **The Wyoming Transportation Commission declared that this offer is the amount that has been established by the Department as just compensation and is in accordance with the applicable state law and requirements. Just compensation has been defined by the Wyoming Courts as being the value of the property taken, plus damages, if any, to the remaining property, but deduction from the damages any benefits which may accrue to the remaining property from the construction of the highway.**

Kevin Lebeda
Lands Management Administrator

Date: August 23, 2016

**WYOMING DEPARTMENT OF TRANSPORTATION
PERMIT**

Project: N104083
Road: Hoback-Jackson
Section: Snake River North
County: Teton
Parcel No.: 14

THIS AGREEMENT IS ENTERED INTO between **Teton County** herein referred to as the "Landowner" and the Wyoming Department of Transportation, herein referred to as the "Department." The Department agrees to pay to the Landowner the sum of **Twenty Thousand Three Hundred Sixty and 0/100 Dollars (\$20,360.00)** within forty-five (45) working days of the date of the final original signatures on this Agreement and the return of the completed W-9 form. The Landowner hereby grants to the Department, its agents, and contractors, permission to enter upon the following areas for construction purposes:

Parcel 14 - A strip of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27, T.40N., R.116W. of the 6th P.M., Teton County, Wyo., adjacent to the existing northeasterly R/W boundary of U.S. Hwy. No. 26, 89, 189 & 191, 250 feet wide on the right, beginning opposite Engr. Sta. 362+40 to and ending opposite Engr. Sta. 366+00.

Parcel 14A - A strip of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27, T.40N., R.116W. of the 6th P.M., Teton County, Wyo., adjacent to the existing southwesterly R/W boundary of U.S. Hwy. No. 26, 89, 189 & 191, 25 feet wide on the left, beginning opposite Engr. Sta. 366+78 to and ending opposite Engr. Sta. 367+28.

Parcel 14B - A strip of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27, T.40N., R.116W. of the 6th P.M., Teton County, Wyo., adjacent to the existing northeasterly R/W boundary of U.S. Hwy. No. 26, 89, 189 & 191, 25 feet wide on the right, beginning opposite Engr. Sta. 370+33 to and ending opposite Engr. Sta. 370+83.

Said Permit areas are shown on the official plans for the above-referenced highway project and said plans are hereby made a part hereof. The Permit includes the right of ingress and egress, and also the right to temporarily operate equipment upon the above described land. Upon completed use of the Permit areas, the disturbed areas will be sloped, blended and seeded by the Department where feasible. The use of the Permit areas will commence upon the date of the awarding of the project by the Transportation Commission of Wyoming and will have a 2 year duration.

APPROACHES

The Department will construct approaches to the highway at the following locations:

- A 16 foot wide approach to the highway left of Eng. Sta. 367+03. A new 18 foot medium duty double cattleguard will be installed with a 12 foot rail gate (south side).
- A 30 foot wide approach to the highway right of Eng. Sta. 370+80. A new 30 foot medium duty double cattleguard will be installed at this location.

The Landowner hereby grants to the Department permission to enter upon the Landowner's adjacent land beyond the right of way line to construct, taper, blend the approaches, install gates and connect to existing trails, roads or lands as shown on the copy of the Engineering Plans marked *Exhibit "A"*.

BORROW AREA

Parcel 14, referred to above is located outside of the existing right-of-way and is partially or wholly for the purpose of sloping and removing unclassified borrow material for the road project. The Landowner does hereby sell to said Department all of the sand, stone, gravel or soil which said Department may remove from said parcel of land for 2 year commencing upon the date of the awarding of the project by the Transportation Commission of Wyoming, at the price of 25 cents per cubic yard, giving and granting the Department the right to enter upon said parcel

of land for the removal of said materials and to erect or construct thereon such machinery and equipment as in the judgment of the Department is necessary and proper to extract and remove from the said land and/or process the material herein purchased, the number of cubic yards to be determined according to methods prescribed in the current edition of Specifications For Road and Bridge Construction adopted by the State Highway Commission and the further right to enter upon said parcel of land to remove any such equipment, machinery, or structures placed thereon by the Department. The material removed is for use on highway projects and maintenance only and removal by any other person(s) including the Department's contractor(s) for any purpose other than as herein provided, shall be under a separate agreement with the Landowner and only with prior written approval of the Department. It is further agreed by and between the parties hereto, that the Department and its agents or assigns shall have the right to haul material taken from said parcel of land, across any land owned by the Landowner, on routes mutually agreeable to the parties hereto. It is also agreed that the Landowner gives the Department the option to extend this Agreement for an additional year upon the same terms and conditions as herein set forth. The Department will exercise this option by notifying the Landowner in writing of its intention to do so prior to the termination of this Agreement. It is further agreed that any contractor operating under any agreement or contract with the Department that will extract and remove said material, is acting as the agent of the Department and is subject to all rights of and responsibilities of the Department under this agreement, and will be permitted to use said parcel of land to stockpile and/or properly process said material for highway purposes.

Additional Conditions:

- a. The premises will be left in a neat condition and the disturbed areas will be sloped, blended and re-seeded where feasible by the Department.
- b. Under the word "process" used herein above, it is contemplated that there may be cases wherein controlled emission of smoke, fumes, dust and odors will result. In such event, the Department, its assigns and contractors will control said emission and odors as required and in conformity with existing State and Federal anti-pollution laws.
- c. It is definitely understood and agreed by both parties hereto that the Department in no way guarantees or assures the Landowner that any material, whether desirable or not, will be removed in measurable quantities from said premises; that royalty payment to the Landowner will be made only if material is actually removed in measurable quantities. Payment to the Landowner will be made by the office of the Engineer in Charge of construction and will be based upon final cross sectioning of the material area, and said payment is a separate payment and is not part of the consideration stated herein below.

TEMPORARY FENCE

Prior to the start of construction, Permit areas may be temporarily fenced as deemed necessary by the Department. Should it be necessary to construct a temporary fence, said fence will consist of three strands of barbed wire placed on metal posts spaced according to Department temporary fence standards. The Landowner will retain and may remove the temporary fencing after the construction project has been completed, with the understanding that disturbed areas may have been re-seeded.

PERMANENT RIGHT-OF-WAY FENCE

The Department will construct new deer fence right-of-way fence. Said fence is to be maintained by the Department.

The Landowner hereby grants to the Department permission to enter upon the Landowner's adjacent land beyond the right-of-way line to remove the existing right-of-way fence.

CONTINUAL ACCESS

The Landowner will have safe access to their property at all times during construction on the above referenced project.

HOBACK JCT. - JACKSON, SNAKE RIVER NORTH SECTION

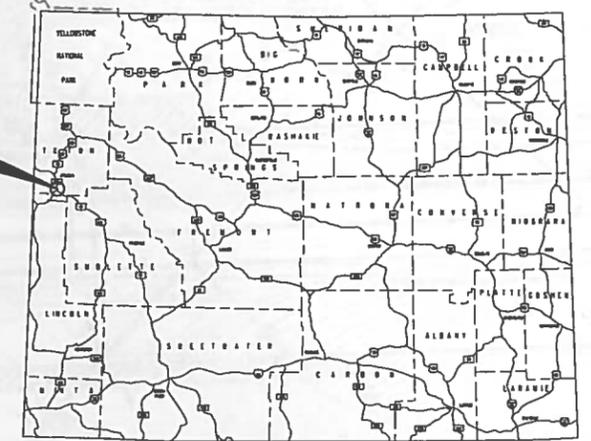
NH 144.99 N104083

INDEX OF SHEETS

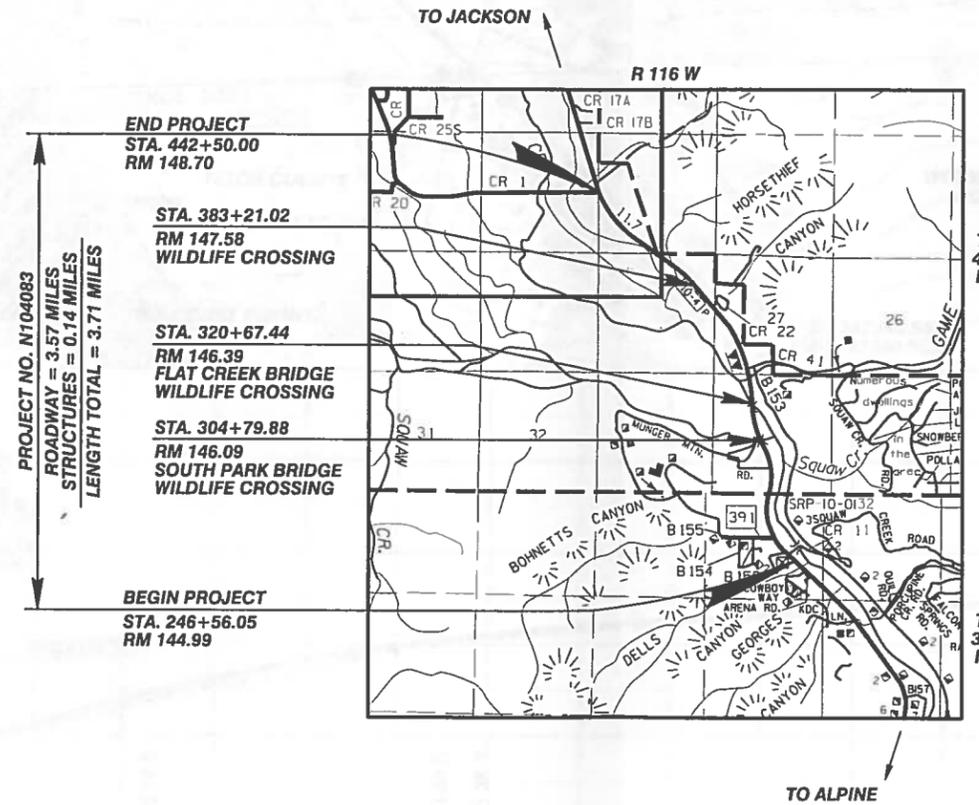
STATE OF WYOMING
WYOMING DEPARTMENT OF TRANSPORTATION

LENGTH IN MILES		PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
GROSS	NET			
3.71	3.71	NH 144.99 N104083	1	

HOBACK JCT. - JACKSON SNAKE RIVER NORTH SECTION TETON COUNTY



N104083



R/W & UTILITY PLANS
02/16/16

"EXHIBIT A"

APPROVED:

Greg Feduck
CHIEF ENGINEER

DATE

DESIGNED BY DOERING'S SQUAD

