

254/550

CITY OF CASPER/RISING PHOENIX INVESTORS, L.L.C.
SITE PLAN AGREEMENT

CLERK, WY
ANN COLLINS
RECORDED R

THIS AGREEMENT made and entered into this 3rd day of August, 1999, by and between the City of Casper a Municipal Corporation, 200 North David Street, Casper, Wyoming, 82601, hereinafter designated as "City," and Rising Phoenix Investors at Post Office Box 1849, Casper, Wyoming 82602, a Wyoming Limited Liability Company hereinafter designated as "Owner."

WITNESSETH

WHEREAS, Owner is the owner of a portion of Lot 4, Asbell Addition, an Addition to the City of Casper, Wyoming; and,

WHEREAS, the Owner proposes to construct mini-warehouses in a two phase development process totaling forty-eight thousand two hundred (48,200) square feet in Phase I including a three thousand (3,000) square foot office area, and seven mini-warehouse buildings totaling twenty-six thousand four hundred (26,400) square feet in Phase II, for a total building area of seventy-four thousand six hundred (74,600) square feet, on a portion of Lot 4, Asbell Addition, an Addition to the City of Casper; and,

WHEREAS, the portion of Lot 4, Asbell Addition, an Addition to the City of Casper has a lot area of one hundred ninety-five thousand five hundred eighty-four (195,584) square feet, or 4.49 acres; and,

WHEREAS, pursuant to Section 17.12.150, of the Casper Municipal Code, the Owner is required to submit a site plan prior to the construction of said buildings, which must be approved by the Planning and Zoning Commission and the City Council; and,

WHEREAS, the Planning and Zoning Commission approved the site plan and forwarded it to the City Council with a "do pass" recommendation at their regular meeting on July 27, 1999; and,

WHEREAS, a copy of said site plan is attached hereto as Exhibit "A," including the landscaped plan, and is hereby made a part of this agreement.

NOW, THEREFORE, the parties hereto agree as follows:

I. OBLIGATIONS OF THE OWNER:

Upon written demand of the Council or the City Manager, the Owner, at his sole cost and expense, shall do, or cause to be done, the following:

City of Casper

→ 2

- A. The Owner will landscape the property in accordance with the landscaping plan (site plan) approved by the City Council, and comply with the following landscaping requirements:
1. Landscape and beautify the areas as shown on the site plan, as approved by the City Council.
 2. Plant material used for landscaping shall meet the criteria and specifications set forth in that certain manual entitled "Building Casper's Urban Forest."
 3. Underground sprinkler systems shall be installed for the irrigation of all plant material.
 4. All planted areas shall be maintained to the degree that they will not create a fire hazard or become unsightly to the development.
 5. Upon demand of the Council, the Owner shall replace and replant any plant material, approved with the site plan or conditional use permit, that dies or is not in conformity with the approved landscaping plan. The requirement to replace plant material shall not be assigned to the owner of vacant property until such time as an active commercial or residential use is established on that property.
 6. Said landscaping shall be completed before a certificate of occupancy will be issued. If said landscaping is delayed due to construction of on- or off-site improvements, the Owner may request, in writing, an extension not exceeding six (6) months. If the request demonstrates that, as a result of conditions beyond the control of the Owner, the landscaping cannot be completed, the Community Development Director is authorized to grant the Owner's request for an extension, which shall not exceed six (6) months.
 7. The landscape plan delineates seven thousand three hundred forty-nine (7,349) square feet of landscaping for Phase I, ten thousand nine hundred sixty-five (10,965) square feet of landscaping for Phase II, and a combined square footage of eighteen thousand three hundred fourteen (18,314), or 9.4% of the site, which exceeds the minimum requirements for landscaping of 5% as required by Section 17.04, Appendix B, of the Casper Municipal Code.

- B. An earthwork permit shall be obtained from the City Engineer prior to any earthwork taking place on the Addition. The Owner is required to post cash, an irrevocable letter of credit, performance bond, or other approved surety in the amount of Five Cents (\$.05) per square foot with a minimum amount of One Thousand Dollars (\$1,000.00). The formula would place the value at \$5,909.00 for Phase I of this site, based on \$.05 per square foot, (118,183 sq. ft. x .05 = \$5,909.00). An Erosion Control Bond for Phase II will be in the amount of 3,870, (77,401 sq. ft. x .05 = \$3,870.00). It shall be the obligation of the Owner to keep any bond or letter of credit in full force and effect. As provided herein, the Owner shall furnish proof of the same upon demand of the City.

If the Owner fails to implement the Erosion Control Program, as proposed and approved by the City Engineer, the Owner, by this agreement, hereby authorizes the City to use said bond for implementation and completion of the approved Erosion Control Program. In the event the City incurs costs in completing said program over and above the amount of the bond, cash deposit, or letter of credit, Owner agrees to pay City said costs upon demand by the City.

- C. All signs on said site must be approved by the Community Development Director prior to installation.
- D. All street, alley and parking surfaces shall be covered with concrete or asphalt concrete pavement materials in accordance with Section 16.16 of the Casper Municipal Code. The minimum pavement section shall be two inch (2") asphaltic concrete surface over two inches (2") asphaltic concrete binder course over six inches (6") of grading W base course. Alternative pavement designs may be substituted upon approval of the City Engineer. All designs shall be in accordance with Section 16.16 of the Casper Municipal Code.
- E. Any and all storm drainage sewer lines, trunk lines, lateral catch basins, and manholes shall be designed and installed in accordance with the drainage plan prepared by the Owner, and approved by the Community Development Director and City Engineer.
- F. The site plan indicates a total of fifteen (15) parking stalls for Phase I, and eight (8) parking stalls for Phase II, which will not meet the minimum requirement of thirty-seven (37) parking spaces as required by Section 17.12.080, of the Casper Municipal Code. The applicant shall install additional landscaping which is above the minimum required by the Municipal Code, in lieu of the minimum required number of parking

stalls. Credit toward the parking requirements shall be granted for the installation of wide access isles throughout the development.

- G. The Owner shall submit a drainage study stamped by a registered professional engineer prepared in conformance with the Storm Water Management Plan Design Manual for review and approval by the City Engineer and the Wyoming Department of Transportation. All storm water carried in the street right-of-way shall be piped and sized for a 10-year storm event or as approved by the City Engineer. Approval of the drainage study must be obtained prior to the issuance of building permits.
- H. The curb cut located to the west along Pronghorn Street shall not exceed 15' in width and shall function as an exit only access from the facility.
- I. Trash receptacles must be screened, placed on a concrete pad that has minimum dimensions of 10' x 10', and must be accessible at all times by sanitation vehicles.
- J. The Owner shall submit sign design information for review and approval by the Community Development Director in conformance with Section 17.96 of the Casper Municipal Code.
- K. The Owner shall submit a grading plan for both phases of development for review and approval prior to the issuance of building permits.

II. OBLIGATIONS OF THE CITY:

The City shall issue a building permit and occupancy permit for the building pursuant to Title 15 of the Casper Municipal Code, under the terms of this agreement and upon performance by the Owner of the conditions set forth above. All building permits will be issued by the Community Development Director in accordance with Casper Municipal Code.

III. REMEDIES.

In the event the Owner fails to do, or fails to cause to be done, any of the requirements set forth in this contract in an expeditious manner, the City may at its option, do any or all of the following:

- A. Refuse to issue a building permit or occupancy permit to the Owner, its successors, or assigns in interest.

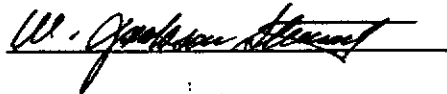
B. After written notice to Owner of those items which have not been completed or properly completed, and upon failure to cure the same by Owner within a reasonable period of time, the City may complete any and all of the public improvements required by this contract, by itself, or by contracting with a third party to do the same. In the event the City elects to complete said improvements or contracts with a third party to do so, the Owner agrees to pay any and all costs resulting therefrom upon demand by the City.

The remedies provided in this paragraph are in addition to any other remedies specifically provided for in this agreement, or which the City may otherwise have at law or in equity, and are not a limitation on the same. The Owner further agrees to pay all the City's reasonable attorney's fees, court costs, and litigation costs in the event the City is required to enforce the provisions of this agreement in a court of law. This document, its interpretation, and enforcement shall be governed by the laws of the State of Wyoming.

IV. This agreement shall be binding upon and shall inure to the benefits of all parties hereto, their successors, and assigns

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.

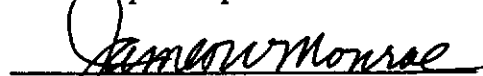
APPROVED AS TO FORM:



ATTEST:




CITY OF CASPER, WYOMING
A Municipal Corporation



James W. Monroe
Mayor

WITNESSETH:



By:

By:

Title: *Owner USG*
Rising Phoenix Investors, L.L.C.

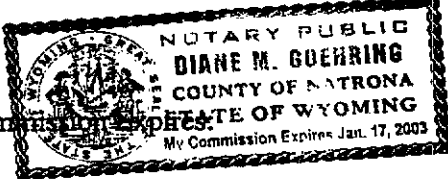
ACKNOWLEDGEMENT

(SEAL)

STATE OF WYOMING)
)ss.
COUNTY OF NATRONA)

The foregoing instrument was acknowledged before me by James W. Monroe, Mayor, City of Casper, this 4th day of August, 1999.

WITNESS my hand and official seal.



My Commission Expires

Diane M. Goehring
Notary Public

(SEAL)

STATE OF WYOMING)
)ss.
COUNTY OF NATRONA)

The foregoing instrument was acknowledged before me by Donald, Suttheland of Rising Phoenix Investors, L.L.C. this 2nd day of August, 1999.

WITNESS my hand and official seal.

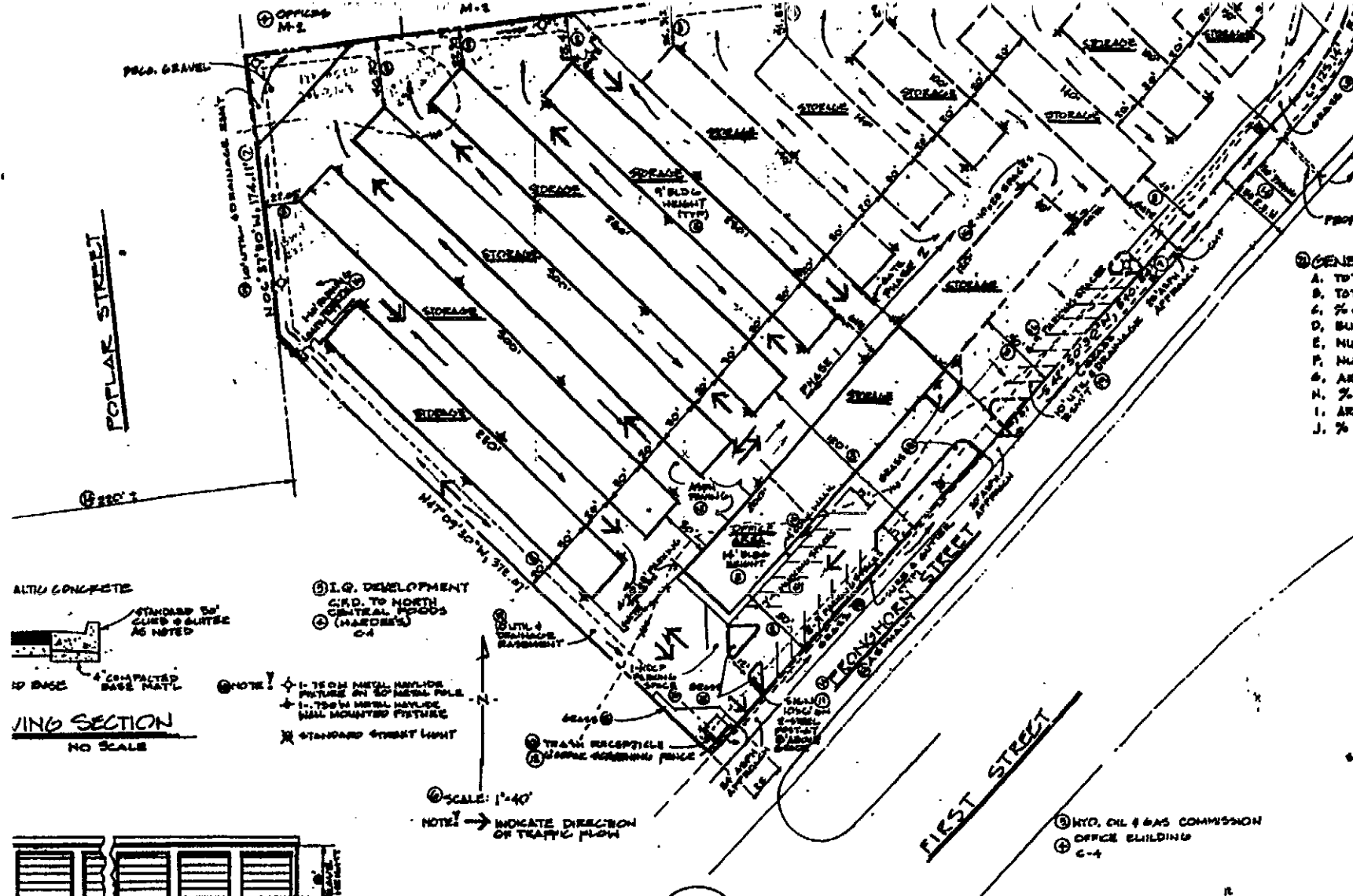


My Commission Expires:

June 3, 2002

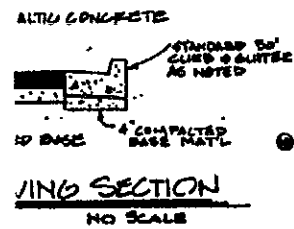
Janet R. Adels
Notary Public

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GENERAL NOTE

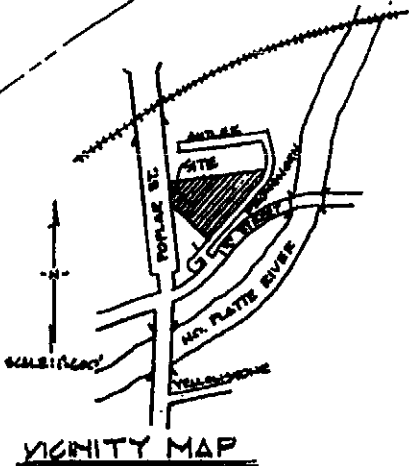
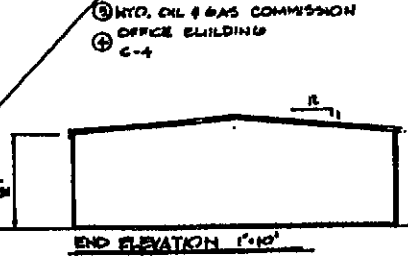
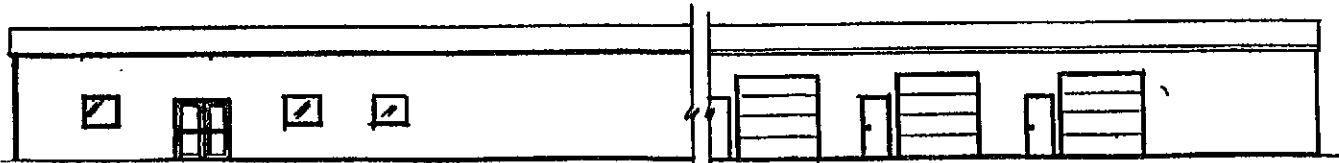
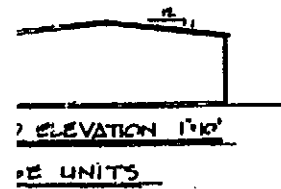
	PHASE 1	PHASE 2	TOTAL
A. TOTAL LAND AREA	89,185 S.F.	77,401 S.F.	166,586 S.F.
B. TOTAL BUILDING AREA	48,800 S.F.	26,400 S.F.	75,200 S.F.
C. % COVERED BY BUILDINGS	41%	34%	38%
D. BUILDING HEIGHTS	9' 6 1/2' FT.	9' 6 1/2' FT.	9' 6 1/2' FT.
E. NUMBER OF STORIES	1 STORY	1 STORY	1 STORY
F. NUMBER OF PARKING SPACES	15 SPACES	8 SPACES	23 SPACES
G. AREA OF PARKING	7524 S.F.	1785 S.F.	9309 S.F.
H. % COVERED BY PARKING	8.0%	2.3%	2.7%
I. AREA OF LANDSCAPING	7549 S.F.	10945 S.F.	18,494 S.F.
J. % COVERED BY LANDSCAPING	8.2%	14.1%	9.4%



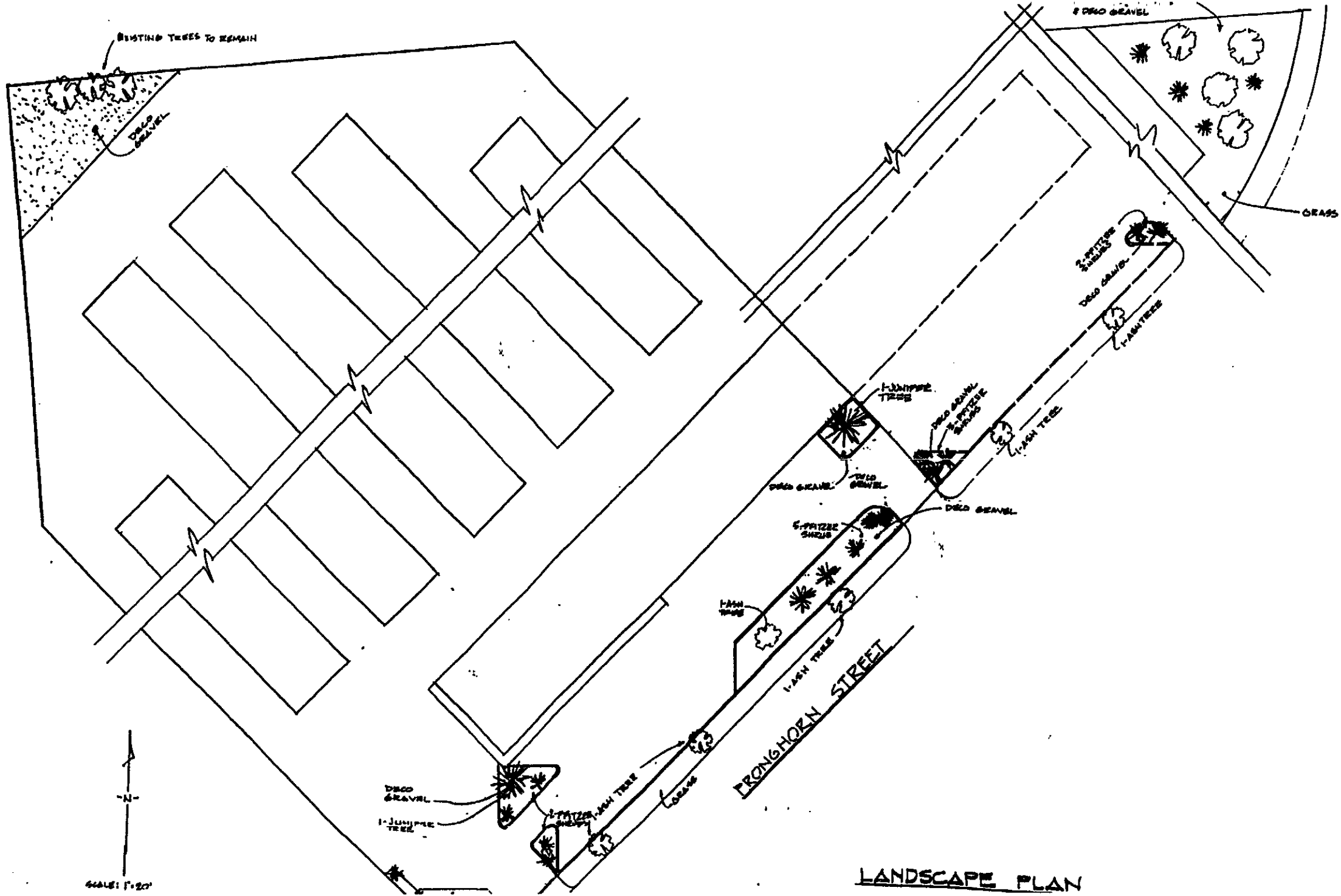
③ I.G. DEVELOPMENT CRD. TO NORTH CENTRAL FOODS (HARDWARE) C-4

- NOTE!
- 1. 1 1/2" DIA METAL HANGING PICTURE ON 2" METAL POLE
 - 2. 1 1/2" DIA METAL HANGING WALL MOUNTED PICTURE
 - 3. STANDARD STREET LIGHT

SCALE: 1"=40'
NOTE! → INDICATE DIRECTION OF TRAFFIC FLOW



SITE PLAN
SUTHERLAND MINISTORAGE
 ① NE. PORTION LOT 4, ASBELL ADDITION CITY OF CASPER, NATRONA CO., WYO.
 PLAN BY
 ② LEROY SHIELDS
 724 S. GRANT, CASPER, WY., 82601
 307-237-9245
 ③ ZONED: C-4



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Exhibit A

LANDSCAPE PLAN