BOARD OF COUNTY COMMISSIONERS - SAND DUNE ESTATES

SUBDIVISION AGREEMENT

THIS AGREEMENT, made and entered into this 11th day of May, 1979, by and between the Board of County Commissioners, Natrona County, Wyoming, hereinafter referred to as "Board", and Sand Dune Estates Partnership, comprised of Harry Leimback and Bruce N. Eddy, hereinafter designated as "Owner".

WITNESSETH:

WHEREAS, owner is the legal owner of all lands which comprise Lots 1-188, Inclusive, Sand Dune Estates Subdivision, a subdivision of Natrona County, Wyoming, a copy of a plat which is attached hereto as Exhibit "A", and made a part hereof; and

WHEREAS, the owner has requested that the Board of County Commissioners approve said plat under the terms and conditions of the Wyoming State Statutes; and

WHEREAS, the owner, by this agreement, seeks to assure the Board that he will complete various steps required by the Board to perfect the subdivision and further covenants to the Board that all work done will be in accordance with this agreement; and

WHEREAS, it is the mutual desire of the parties hereto to establish a written record of this agreement with respect to said subdivision and the development thereof, thereupon the Board will approve the subdivision plans under the provisions of the Wyoming State Statutes.

NOW, THEREFORE, the parties hereto agree as follows:

I.

OBLIGATIONS OF OWNER

The owner, within 60 days after receiving written direction from the Board, shall, at his sole cost and expense, do or cause to be done the following:

1.1 Surveying:

A. Set all subdivision corners and 1/16th corners with 2" diameter brass caps, in concrete, showing the number of the corner, identifying initials of the surveyor or company making the survey. If the
original outside boundary marker is in a location likely to be obliterated or destroyed, i.e., roadway, alley, etc., it shall be adequately witnessed with at least two monuments of equal quality to those required above.

B. Block and lot corners, points of tangency (PT's) and points of curve (PC's) of all curves shall be marked by No. 8 rebar with metal caps identifying the corners and driven flush with the ground surface. Points of intersection (PI's) and points of return (POR's) of all blocks and the PT's and PC's of all curves shall be marked after initial dirt moving work has been completed to avoid the necessity of marking block and lot corners twice, all of which shall be in place at the time the final inspection is made by the County Engineer, and upon completion of the roadway construction.

1.2 Roadway Classification:

A. All roadways within the subdivision shall be classified as minor residential with 60' rights-of-way, 30'0" earthgrade widths, two 12'0" travelways, two 3'0" shoulders at 6:1 slope, and two 10'0" borrow pits. The roadways shall be graveled and have a minimum of 8% of grading "p" as defined by the Wyoming Highway Department Specifications, 1974 Edition. Construction easements outside of the dedicated rights-of-way will be required, where necessary, to construct said roadway to the above standards, as shown on the typical roadway section dated 11-5-75 prepared by Kaiserman and Associates.

B. The County Engineer, based upon a soil's test prepared and certified by the owner or owner's engineer, may alter the above construction standards.

1.3 Construction of Roadways:

A. All work done on roadways within the subdivision shall conform to the specifications set forth herein and shall cover the preparation and placing of crushed aggregate base surfacing on roads within the County. Prior to the construction of aggregate base surfacing, all soils tests shall be submitted to the County Engineer for his review and approval.

B. Crushed Base Aggregate:

Gravel used for crushed base surfacing shall be composed of clean, hard, durable, natural stone or aggregate having the following gradations after crushing is completed.

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<th>Sieve Size</th>
<th>% Passing by Weight Minimum</th>
<th>Maximum</th>
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<tr>
<td>1&quot;</td>
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The crushed stone shall have a percentage of wear not more than 50% when tested in accordance with A.A.S.H.O. T96 (Los Angeles Abrasion Test).
C. Placement of Crushed Base:

A crushed base must be applied in accordance with the Natrona County Standards and subject to the approval of the County Engineer.

1.4 Construction Sequence:

All roadways within the subdivision shall be constructed in an orderly sequence as the addition is developed and construction is started upon, weather conditions permitting, so that there will be no gaps left in surfacing or other off-site improvements.

1.5 Maintenance of Roadways:

Maintenance of all roadways within the subdivision shall be via a road improvement district.

1.6 Certification:

The owner shall certify, in writing, that the roadways within the subdivision have been constructed to the specifications set forth in this agreement. The owner shall maintain the same for a period of one year from the date of certification, at which time the County Engineer or other designated County official will inspect the construction thereof, for compliance with this agreement and the Natrona County Subdivision Regulations. The County will approve or disapprove said roadway construction, in writing, and so notify the owner. If said roadway construction is disapproved, the County shall notify the owner of the deficiencies. If the deficiencies are not corrected to the satisfaction of the Board within a specified time frame, the Board may proceed with legal action for non-performance of this agreement.

1.7 Grading and Erosion Control:

A. An approved erosion control plan must be submitted to the County Engineer and County Planner prior to starting construction. Said erosion control plan shall be attached to and included in the covenants and shall become a part hereof.

B. Top soils shall be removed, stock piled and replaced.

C. Fill areas shall be filled in 6" lifts and compacted to optimum moisture and density.

D. Moisture content shall be within ±2 or ±4 percentage points of optimum.
§ E. *Compaction shall be 95% of A.A.S.H.O. T-99.*

F. The owner shall reseed all construction embankments and exposed slopes, including approaches, in accordance with acceptable standards established for Natrona County. Said method of reseeding must be approved by the County Road and Bridge Superintendent and the County Planner.

G. The erosion control plan shall include a provision to prevent the overgrazing of the land by livestock as well as a conservation plan for the revegetation of the area.

1.8 Street Signs and Other Traffic Control Devices:

Street signs and other traffic control devices shall be furnished and erected at all intersections, regardless of other route markings in accordance with the Manual of Uniform Traffic Control Devices for Streets and Highways. This shall include the following:

A. Stop signs shall be 30" by 30" with a mounting height of not less than 6'. Said signs shall be mounted on a 2" galvanized pipe set in concrete and located on the right side of the roadway when approaching the intersection.

B. Street signs shall have a green background with white numbers or lettering (letters minimum of 4" in height). The signs shall be mounted on a 2" galvanized pipe set in concrete and located on the left side of the intersection, 5' off of the shoulder. The mounting height shall be 7' from the bottom of the sign.

1.9 Storm Sewer Requirements:

A. Minimum 18" diameter culverts shall be installed at all crossings and approaches and other locations, as required by the County Engineer. Said culverts shall conform to the requirements of A.A.S.H.O. H-64 or A.S.T.M. A-192 for the specified diameter and strength class.

B. The owner shall provide the County Engineer and County Planner with a complete plan or profile of all proposed drainage.

C. The owner shall certify, in writing, that the culverts have been installed to the specifications set forth in the Natrona County Subdivision Regulations and this agreement, and shall maintain the same for a period of not exceeding one year after the certification, at which time the County Engineer or other designated County official will inspect the installed work, and, for compliance with this agreement and the Natrona County Subdivision Regulations. The County will of the culverts, in writing, and so notify the owner. If said culvert installation is disapproved, the County shall notify the owner of the deficiencies. If the deficiencies are not corrected to the satisfaction of the Board within a specified time frame, the Board may proceed with legal action for non-performance of this agreement.
1.10 Water Service:

Water Service shall be the responsibility of each individual property owner.

1.11 Sewer Service:

Sewer Service shall be the responsibility of each individual property owner, however, the Natrona County Health Department must approve the subdivision for the location of septic tank systems. In addition to approval by the Health Department, the owner must provide the Board with a copy of the percolation tests for each lot which must be certified by an engineer. Said test results shall be filed and recorded with the contract documents between the owner and the Board.

1.12 Utilities:

All utilities shall be underground.

1.13 Covenants:

The owner shall prepare and submit a copy of the covenants for said subdivision to the Board, which shall be attached hereto as Exhibit "B" and made a part hereof.

1.14 Financial Commitment:

In order to assure the Board that the subdivider (owner) has sufficient financial resources to complete the off-site improvements set forth in this agreement; such as, construction of roads, culverts, and the installation of street signs and other traffic control devices, as well as the implementation of an erosion control program, etc., the subdivider (owner) shall submit to the Board an irrevocable letter of credit, or post a performance bond in the amount of the estimated cost of the off-site improvements, as established and certified by the owners' engineer and approved by the Board. At the option of the Board, the Board may permit the subdivider (owner) to construct the off-site improvements in phases under such terms and conditions as approved by the Board. If the subdivider (owner) is permitted to construct the off-site improvements in phases, the irrevocable letter of credit or performance bond may be reduced to the amount of the estimated cost of a specified phase of the off-site improvements as certified by the subdivider's (owner's) engineer, or the requirement of a performance bond or letter of credit may be waived. The subdivider (owner) agrees to complete the construction of all off-site improvements set forth in the first phase of development in accordance with this agreement, prior to the sale of lots in the second or any subsequent phase of the subdivision development. The subdivider (owner) upon completion of construction of the off-site improvements for the specified phase of construction shall notify the Board, in writing, of their completion. If the off-site improvements are not rejected by the Board, or their designee, in writing, within 15 working days from the date of notification, the subdivider (owner) assumes that the specified phase of construction of said off-site improvements has been approved. If the improvements are rejected, the Board shall notify the owner of the reasons for rejection. The subdivider (owner) further agrees that if he deviates from the above written approval from
Restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such restrictions violate 42 USC 3604(c).

II.

OBLIGATIONS OF THE BOARD

The Board shall resign or cause to be resigned lots 1-10, inclusive, from Sheet B (Open District) in the Master Plan for the subdivision of Hays County, Texas, and shall resign from the benefit of all service herein, the services hereinafter to be rendered by the Board, and shall resign from the benefit of all service herein, their ancestors and assigns.

The Board shall resign or cause to be resigned lots 1-10, inclusive, from Sheet B (Open District) in the Master Plan for the subdivision of Hays County, Texas, and shall resign from the benefit of all service herein, the services hereinafter to be rendered by the Board, and shall resign from the benefit of all service herein, their ancestors and assigns.

The Board shall resign or cause to be resigned lots 1-10, inclusive, from Sheet B (Open District) in the Master Plan for the subdivision of Hays County, Texas, and shall resign from the benefit of all service herein, the services hereinafter to be rendered by the Board, and shall resign from the benefit of all service herein, their ancestors and assigns.
agreement on the day and year first written above.

BOARD OF COUNTY COMMISSIONERS
Natrona County, Wyoming

John F. Burke, Chairman

COMMISSIONER

ATTEST:

Frank L. Schuster

COMMISSIONER

OWNERS - SAND DUNE ESTATES
SAND DUNE ESTATES PARTNERSHIP

Harley Skowron, Partner

Bruce N. Eddy, Partner
STATE OF WYOMING  

COUNTY OF NATRONA

The foregoing instrument was acknowledged before me by John P. Burke, 
Chairman; and  
Commissioner; Board of County Commissioners, Natrona County, Wyoming, 
this 18 day of May, 1979. 

Subscribed and Sworn to this 18 day of May, 1979. 

John Senardis  
Notary Public

STATE OF WYOMING  

COUNTY OF NATRONA

The foregoing instrument was acknowledged before me by Bruce H. Eddy  
and Harry E. Loesbeck, Partners, Sand Dune Estates Partnership, 
this 18 day of May, 1979. 

Subscribed and Sworn to this 18 day of May, 1979. 

John Senardis  
Notary Public
EROSION CONTROL CONSERVATION PLAN

Date: March 14, 1979

Name of Applicant: Sand Dune Estates Partnership
Business Address: 1131 West Collins
Home Address: Ph. 266-2220

Subdivision: Sand Dune Estates Subdivision, a subdivision of Natrona County, Wyoming

I, Bruce M. Doby, hereby submit to the Board of County Commissioners, Natrona County, Wyoming, a plan to remove the natural top soil, trees, and other vegetation and alter the existing contours through grading for the construction of roadways, utility installations, building sites or development in the Sand Dune Estates Subdivision, which is located eight miles northeast of the City of Casper and is more specifically identified on the attached plat or drawing.

If approved by the Board, this soils erosion plan shall:
A. Become a part of the written agreement between the owner and the Board; and
B. Become a part of the covenants established by the owner.

The soils erosion plan shall consist of the following information:
1. Total acres of land in the subdivision. 517 acres
2. Total acres of land in the subdivision to be exposed through grading for the construction of roadways, utility installations, building sites or development. 517 acres, the entire subdivision
3. The soil classification(s), in accordance with the Unified Soils Classification System. Dryer - fine sandy loam
If more than one soil classification is involved, a map showing the soil classifications shall be attached.
4. A map showing the existing and proposed contours.
5. The type of vegetation to be removed from the exposed areas (major types and common names only). Native grasses and sagebrush
6. Maximum slope of the exposed areas (cut slope, fill slope, etc.)
7. The proposed method of stripping, storing and replacing of top soil. As required in the following

If special erosion problems exist, check the appropriate: (a) Active sand dunes; (b) Alkali areas; (c) Bentonite areas; (d) Other.

The following procedure is required: When stripping top soil from the designated area; brush, grass, agricultural crops or other suitable material shall be retained as mulch and incorporated into the top soil. Unless the top soil can be placed directly on the prepared slopes or exposed areas, the top soil shall be stockpiled for future use to cover embankments, cut slopes and other exposed areas. The top soil shall be placed in a uniform manner to a depth commensurate with the quality of top soil available and the area to be covered. Top soil shall be keyed to the underlying material by scarifying along contours to a
depth of approximately six inches. In urban type developments, which have a density of 3 units per acre or more, the owner, during the time the exposed area is being re-vegetated or built upon, shall control blowing dust by either watering or installing snow fence in accordance with Section 10.

8. The proposed method of reseeding or revegetation of the exposed areas. As required in the following.

The following procedure is required: Prior to seeding the slopes, the slopes shall be graded along contours to the designated grade and, where necessary, top soil shall be uniformly spread along contours in accordance with acceptable conservation practices. After the top soil has been uniformly spread, the area shall be scarified along the contours to a depth of approximately six inches leaving furrows. The surface shall be left in an uncompacted, workable condition ready for mulching and re-vegetation. Areas not suitable for scarifying shall be left in a condition satisfactory to the Board or the Board's designee. After the slope or exposed areas have been prepared, the owner shall bring a commercial fertilizer at a recommended rate based upon a soil analysis, or 40 pounds of available nitrogen and 20 pounds of available phosphorus per acre. Grain straw or grass hay shall then be used at a minimum rate of two tons per acre and anchored to the surface with a disk or coulter mulching machine. The area shall then be seeded using a grain drill with a grass seed attachment or special grass drill. The seeding requirements shall be in accordance with Exhibit "A". Planting depth shall be 1/2 inch to 1 1/2 inches. Seeding shall be applied between the time the frost leaves the ground in the Spring and before the frost enters the ground in the Fall. The preferable period of seeding is early Spring or late Fall. Should the owner seed the area through the hot months, he would be required to water. Seeded areas must be protected until the new grass seedlings are thoroughly established. Hydraulic mulching will be acceptable after the grass seed has been drilled. Excelsior mats will be acceptable in lieu of mulching.

9. The proposed method of maintaining slopes or exposed areas after mulching and seeding. As required in the following.

The following procedure is required: Once an area is mulched and seeded, all surface exposure (grazing and vehicular traffic) shall be prohibited. Reseeding, if necessary, shall follow the procedures outlined in Section 8.

10. The proposed method of controlling wind erosion on those areas that are developed at a time when grass seeding is not practical or the exposed areas will lie fallow for a short period of time (less than 6 months) As required in the following.

The following procedure is required: Snow fences shall be located at right angles to the prevailing winds and spaced at intervals of approximately 50 feet. The first fence must be located at the windward edge of the exposed area and continue across the entire site.
ll. The proposed method of controlling water erosion on steep slopes or other applicable areas. As required in the following.

The following procedure is required: Matting strips (jute matting) or excelsior blankets shall be placed on the prepared slope or other exposed areas parallel to the flow of water. Each strip or blanket shall be laid flat without stretching. When jute matting strips or excelsior blankets are used to prevent erosion, the surface shall be prepared, seeded and fertilized as specified above. When more than one strip or blanket is required to cover an area, matting shall be overlapped four inches along the edges and ends. The matting shall be held in place by means of staples driven vertically into the soil. Staples shall be spaced not more than three feet apart in three rows for each strip or blanket, with one row along each side and one row alternately spaced in the middle. All ends of the matting or blanket shall be stapled. Matting shall be spread evenly and smoothly in contact with the soil at all points. The matting shall be pressed into the soil with a light roller or similar method.

12. The owner may submit to the Board for their review and approval an alternate method of erosion control other than that required in paragraphs 7 through 11, inclusive. The alternate method shall be denied within 45 days after officially being submitted to the Board, or the owner can assume that the alternate method has been approved by the Board.

13. If the owner fails to initiate or complete the above Erosion Control Conservation Plan, and if the County, at its sole discretion completes any erosion control conservation program that is acceptable and approved by the Board, the owner agrees to pay to the County all costs incurred in initiating and completing the erosion control conservation plan that is acceptable and approved by the Board.

14. This Erosion Control Conservation Plan shall be binding upon and shall inure to the benefit of all parties hereto, their successors and assigns.

15. The Conservation District is available for consultation on erosion control projects on a voluntary basis.

16. Review and recommendations by the Board or authorized designee:

OWNER OR AGENT

[Signature]

Date 3-22-79

BOARD OF COUNTY COMMISSIONERS

[Signature] Chairman or Authorized Designee

Date Approved 5-18-79

264794
ACKNOWLEDGMENT

STATE OF WYOMING )
COUNTY OF NATRONA ) ss.

The foregoing instrument was acknowledged before me by John L.
Registered this 18th day of May, 1979.

Subscribed and Sworn to this 18th day of May, 1979.

John Leonard
Notary Public

STATE OF WYOMING )
COUNTY OF NATRONA ) ss.

The foregoing instrument was acknowledged before me by Bruce M. Eddy.

Registered this 22nd day of March, 1979.

Subscribed and Sworn to this 22nd day of March, 1979.

Joseph Terry
Notary Public
DEED OF RESTRICTION

FROM: EARL CATES and BRUCE N. EDDY, owners of Sand Dune Estates, a Subdivision in Natrona County, Wyoming.

TO: All future owners of lots in Sand Dune Estates, a Subdivision of Natrona County, Wyoming.

WHEREAS Earl Cates and Bruce N. Eddy are the owners and developers of certain land situated in Natrona County, Wyoming, and known and designated as Sand Dune Estates, and,

WHEREAS Earl Cates and Bruce N. Eddy are the owners and developers of certain land situated in Natrona County, Wyoming, and known and designated as Sand Dune Estates, and,

WHEREAS the owners desire to establish and secure the enforcement of uniform restrictive covenants upon the usage and developments of lots within the Sand Dune Estates subdivision,

NOW, THEREFORE, THERE ARE HEREBY CREATED, DECLARED AND ESTABLISHED in Sand Dune Estate, Natrona County, Wyoming, the following restrictive covenants, easements, reservations and requirements upon the lands within such subdivision, which restrictive covenants, easements, reservations and requirements shall run with the land and remain in full force and effect for a period of Twenty-five (25) years from the date hereof, or until Sand Dune Estates shall become part of an incorporated municipality, or until amended or rescinded upon the written consent of the owners of record of a majority of the lots in such subdivision, whichever event shall first occur.

RESTRICTION A
UNIFORM GENERAL REQUIREMENTS

1. Residential lots. The lots are hereby designated as residential lots.

2. Fences. All fences constructed on the boundary of said lots shall be buck rail, split rail or wooden fences only. Existing fences are specifically excluded from this restriction.

3. Automobiles and Trailers. No lots shall be used as a junkyard or auto graveyard.

4. Water and sewage. The laws of the State of Wyoming and the County of Natrona, as well as the rules and regulations of their administrative agency, now or hereafter in effect with regard to sewage disposal, water supply, and sanitation are hereby incorporated herein and made a part hereof.
IN WITNESS WHEREOF Earl Cates and Bruce N. Eddy have caused these presents to be signed and sealed in the City of Casper, County of Natrona, State of Wyoming, this 3rd day of August, 1978.

Earl Cates

Bruce N. Eddy

STATE OF WYOMING

COUNTY OF NATRONA)

ss

The foregoing instrument was subscribed and sworn to before me by Earl Cates and Bruce N. Eddy this 3rd day of August, 1978.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public

My Commission Expires:

2-28-82
October 10, 1978

Doctor Bruce N. Eddy
343 South Center
Casper, Wyoming 82601

Dear Dr. Eddy:

Enclosed are the Perculation Tests of the Sand Dune Estates. These tests were taken in accordance with the Standard Methods by me on October 7, 8, and 9, 1978. The water table has been determined to be greater than 10 feet.

Sincerely,

Mix Anderson, R.S.