

PETITION AND COVENANT

TO JOIN LOCAL IMPROVEMENT DISTRICTS

WHEREAS:

1. Ostlund Investments, John C. and Axel R. Ostlund, owner, hereinafter LANDOWNER, desires to avail himself of the provision of §110-3-g (2) of the Subdivision Regulations of the City of Gillette whereby his Subdivision Plat may be approved and filed prior to the actual construction or bonding of the required Public Improvement known as Sixth Street and entitled "Required Public Improvement for Resubdivision of Tract D and E of the Highway Addition --LID" which is incorporated herein by this reference.

2. §110-3-g (2) of the Subdivision Regulations provides that in lieu of construction or bonding a petition may be presented and approved by the Governing Body for the construction by the Governing Body of the improvements, to be assessed against the subdivided property.

3. It is in the best interests of the City of Gillette that the Public Improvements to be installed within this Subdivision conform to a general plan including consistent grading and uniform design and that such improvements confer a local as opposed to general benefit.

COMES NOW the City of Gillette and Landowner, Ostlund Investments, John C. and Axel R. Ostlund, and Agree and Covenant as follows, in consideration of the following mutual covenants:

1. That the Landowner for itself, its heirs, successors and assigns, herewith PETITIONS the City of Gillette to take action pursuant to §15.1-337 and 338, W.S.1957, to create as many Local Improvement Districts as the City of Gillette shall find necessary, convenient or expedient through which to cause the construction of those improvements on Sixth Street and entitled 'Required Public Improvements for Resubdivision of Tract D and E of the Highway Addition LID'.

2. LANDOWNER, for itself, its heirs, successors and assigns agrees to join, and to be assessable within any and all Local Improvement District which:

- a. Have within their boundaries any part of the real property owned by LANDOWNER and included in the Resubdivision of Tract D and E of the Highway Addition plat filed herein in which is incorporated herein by this reference; and
- b. which Districts will cause the construction of any improvements on Sixth Street and entitled 'Required Public Improvements for Resubdivision of Tract D and E of the Highway Addition LID' for a period of ten (10) years from the date of execution of this PETITION.

3. LANDOWNER, for itself, its heirs, successors and assigns hereby waives its right to file protests and remonstrances, as provided by §15.1-337 and 338 W.S. 1975, relative to any Local Improvement District which is in compliance with this Petition and Covenant.

4. The City of Gillette and LANDOWNER agree that the obligation embodied within this Petition and Covenant shall be satisfied when all of the improvements on Sixth Street and entitled 'Required Public Improvements for Resubdivision of Tract D and E of the Highway Addition -LID' have been installed in compliance with relevant specifications and formally accepted by action of the City Council of the City of Gillette.

5. That this Petition to create and Agreement to join a Local Improvement District is a REAL COVENANT which burdens the land Resubdivision of Tract D and E of the Highway Addition, according to the terms herein specified and shall RUN WITH THE LAND. This Petition and Covenant touches and concerns all of the land known as Resubdivision of Tract D and E of the Highway Addition according to the plat thereof filed on July 18, 1978 at page 138 of Book 2 Plats of Plats with the Clerk of Campbell County and Ex-Official Recorder of Deeds. The benefit of this covenant inures to the City of Gillette and is the assurance of uniform and consistent designs and grades of all Public Improvements required by the Subdivision Regulations of the City of Gillette.

6. That this Petition and Covenant is accepted by the City of Gillette in satisfaction of the requirements of §110-3-g (2) of the Subdivision Regulations of the City of Gillette.

7. That this Petition and Covenant shall be filed with the Clerk of Campbell County and Ex-Officio Recorder of Deeds so that it appears in the chain of Title of all the lands within the Resubdivision of Tract D and E of the Highway Addition so that public notice of its contents and the intent of the signatories that is control all the said land to assured and effectuated.

DATED this 17 day of July, 19 78 in
Gillette, Wyoming.

OSTLUND INVESTMENTS

John C. Ostlund
John C. Ostlund

Axel R. Ostlund
Axel R. Ostlund

ATTEST:

ACKNOWLEDGED before me by John C. Ostlund and Axel R. Ostlund
this 17 day of July, 19 78.

Helen Bogan
Notary Public



APPROVED BY CITY OF GILLETTE

Michael B. Enzi

Michael B. Enzi, Mayor of the City
of Gillette

ATTEST:

Mildred Huravitch

Mildred Huravitch, City Clerk

ACKNOWLEDGED before me by Michael B. Enzi, Mayor of the City of
Gillette and Mildred Huravitch, City Clerk, this 17th day of

July, 19 78.



Jerri B. Sylvester
Notary Public

STATE OF WYOMING

Campbell County

Filed for record this 18th day of July A.D. 1978 at 1:22 o'clock P.M. and recorded in Book 428
of Photos on page 15 Fees \$ 8.00

Susan E. Addison
County Clerk and Ex-Officio Register of Deeds

RECORDED ✓
ABSTRACTED ✓
INDEXED ✓
CHECKED ✓

By *Susan E. Addison*
Deputy

4/11/567