

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."



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Satellite City in County?

Annexation, sale of city land and private residential development west of Base will create an island city.

In a move that has been in the works for quite some time, the City of Cheyenne is moving forward with an annexation of land west of F.E. Warren Air Force Base.

While that land is neither adjacent nor contiguous to present city boundaries, there is an exception in the statutes which allows a municipality to annex land it owns even if it does not meet the standard of touching. (Map on page 16.)

W.S. 15-1-407. Annexing territories; when notice and public hearing not necessary; statement required.

If the city is the sole owner of any territory whether or not contiguous that it desires to annex, the governing body, by ordinance, may annex the territory to the city or town without notice or public hearing as provided in W.S. 15-1-405 and without preparing the annexation report or providing the estimates required by W.S. 15-1-402(c) and (e) and 15-1-404 (a)(ii)(C) and (D). All ordinances annexing territory without notice and public hearing shall contain a statement that the territory is solely owned by the petitioning city or town.

Interestingly, the same parcel of land was targeted for annexation before the last legislative session and changes to the annexation statutes were introduced to allow annexation of land on the far side of any government owned land. In other words, if those changes had been adopted, an annexation of land west of F.E. Warren could have been done - regardless who owned the land.

City officials have been surreptitiously working toward regaining the land which has been leased to the United States Department of Agriculture (USDA) since 1928. The lease is for 199 years and rent is \$1 per year. The Cheyenne Horticultural Field Station became the USDA

High Plains Grasslands Research Station in 1974. According to a September 13, 2004 story in the Cheyenne Herald, over 50% of the plants inventoried in 1974 are gone and many more are in severe decline.

2,140 acres are leased by the USDA. With federal spending far outpacing federal revenue, there is always the possibility that this under-used facility and grounds will be closed. Abandoned.

The mayor and council member(s) treated the USDA regional representative in Fort Collins to lunch in the mayor's favorite free bread sticks restaurant, the Olive Garden. It is likely that their entreaties to surrender much of the land back to Cheyenne have paid off.

Why would the city want to annex land which is so distant from the city limits? After all, the Base is not likely to allow traffic through it to reach the far side. Why wouldn't the city make arrangements with the USDA to relinquish land that the Botanic Gardens has requested and ignore the balance?

The ordinance which has been drafted has many flaws in statements of fact. Much like the three nonadjacent, noncontiguous parcels which were approved for annexation only to be overturned by the courts, this ordinance language also opens the move up to court action.

This time, however, it will be entirely up to county government to challenge the annexation - if it is to be challenged. Neighboring property owners should not be expected to wage such a fight.

The exaggerations and outright lies contained in the ordinance include: "(c) That the annexation of said area is for the protection of health, safety, and welfare of the persons residing in the area and the

City of Cheyenne; and (d) That the urban development of the area sought to be annexed will constitute a natural geographical, economical and social part of the City of Cheyenne; and (e) That the area is a logical and feasible addition to the City and that the extension of basic services such as water and sewer systems, police and fire protection and other services customarily available in the City of Cheyenne can be furnished; ..."

It (the parcel of land separated from the city by F.E. Warren Air Force Base) is none of those things but may not have to be. It the annexation has to satisfy those conditions, it cannot do so.

The first provision - about health, safety and welfare, is ignored within the city so is not much of a factor in uninhabited (for the most part) land in the county. Land separated from a municipality by a military base can hardly be a "natural geographical, economical and social part of ..." and the basic services (such as water the BOPU has said we don't have enough even for current residents), police (the chief says he is 18 officers short and can't hire those he needs), fire protection (going all the way around the base with a fire engine to reach that land won't be a walk in the park) but who cares?

These lies and misrepresentations, of course, are nothing like those perpetrated by the same guys with the annexation of Village West, Saddle Ridge (Version One), and Southern Comfort.

Assuming that the city is statutorily allowed to annex this separated land - and there could be some argument that this is what the legislature intended - why do they want to take on the additional responsibilities when they cry "poor" all the time now? The legislative intent was more likely to allow annexation of city facilities such as a water treatment plant,

a landfill, a waste water treatment plant, and/or a transfer station apart from a city. The last two are separated from the city and have been annexed in the past. Land such as this three-plus section parcel and the Belvoir Ranch is another story.

To defeat the most recent annexation Supreme Court ruling - if a city wanted to annex land separated for its borders - they could buy the distant land from developers, annex it and then sell it back. Farfetched? Hardly. Not with this group. They have repeatedly proven that they will sink to any depths to achieve their goals.

The proposed ordinance has all of the requisite promises but can they be trusted? And once they have the land back under the control of the city, a new ordinance can be passed to allow what is suspected as the purpose of this unnecessary lease surrender.

Once annexed, the city can sell the land and development could commence. The city coffers are depleted and there has been discussion of selling city assets to provide more money to spend. A developer could not annex the land themselves because it is separated from the city. The city would have to do it first, then transfer ownership in a sale for development.

If the city needs money so desperately that selling assets is necessary, the Cheyenne Herald can suggest three other sales before this one. First would be the parking garage. The mayor claims it is "paying for itself" so it should be an attractive investment for someone. (It isn't but they can be hoisted on their own petard.) The other facility would be the Civic Center. It is too small for most entertainers, but maybe a good promoter could make money with the small shows. Next, sell the city building and move into Dinneen's. Share space with Olive Garden. Free breadsticks.

THE CHEYENNE HERALD ♦ THE LOCAL ADVOCACY JOURNAL
(307) 637-2879 ♦ e-mail ... CheyenneHerald@bresnan.net
P.O. Box 2208 ♦ Cheyenne WY 82003

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