

AFFIDAVIT OF SUBDIVIDER'S COMPLIANCE WITH W.S. §18-5-319

I/we, as the lawful landowner(s) or authorized agent(s) of the landowners of the land to be subdivided,
_____ (“affiant(s)” and
“subdivider(s)”), propose to subdivide the land described as: _____

_____ (legal description of the land, may reference
deed recording number), as

_____ (“subdivision”).

To approve a subdivision, the subdivider must comply with Wyoming Statute (W.S.) § 18-5-319. Fencing requirements for subdivision permits as follows:

- (a) Each subdivider seeking to create or divide a subdivision that is adjacent to lands upon which livestock can be legally run at large shall comply with all of the following:
 - (i) The subdivider shall be responsible for the construction of a perimeter fence on any part of the subdivision that is adjacent to lands upon which livestock can be legally run at large unless a legal perimeter fence already exists at that location or all adjacent landowners' consent that a perimeter fence is not necessary;
 - (ii) The perimeter fence required under this subsection shall be a lawful fence as prescribed by W.S. 11-28-102;
 - (iii) The subdivider shall be responsible for all costs of the original construction for the perimeter fence.
- (b) Upon completion of the construction of a perimeter fence required under this section, the subsequent landowner or, if the subdivided parcel has not been sold, the subdivider shall:
 - (i) Be responsible for the costs of maintaining the perimeter fence provided that the adjoining landowner shall be responsible for half of the costs of maintaining the perimeter fence, not to exceed the reasonable costs to maintain the fence if the fence was a fence under W.S. 11-28-102(a)(i);
 - (ii) Not be liable for any damage caused by or arising from livestock pastured on adjoining land that may breach the perimeter fence and wander on the subdivided land, provided that the perimeter fence is maintained in accordance with this section.
- (c) The adjoining landowner shall not be liable for any damages caused by, or arising from, livestock pastured on the adjoining land that may wander onto the subdivided land except as provided in W.S. 11-28-108.
- (d) Before receiving a subdivision permit under this article, a subdivider shall provide information and evidence of the construction or plans to construct any perimeter fence required by this section in accordance with W.S. 18-5-306(a)(xiii).

W.S. § 18-5-306(a)(xiii) requires that a subdivider must submit: "...plans for the construction of perimeter fences, including the type of perimeter fence to be constructed, the materials to be used and the subdivider's plan for paying the costs of the perimeter fence and the construction of the perimeter fence."

A subdivider must also comply with W.S. § 11-28-102. Lawful fences generally as follows:

- (a) The following are lawful fences in this state:
 - (i) A fence made of steel, concrete or sound wooden posts and three (3) spans of barbed wire not more than fifteen (15) inches or less than ten (10) inches apart, or two (2) spans of barbed wire with a wooden rail on top. Wooden posts shall be at least four (4) inches in diameter. Posts shall be set firmly in the ground at least twenty (20) inches deep, at no greater distance apart than twenty-two (22) feet between the posts or thirty-three (33) feet with at least two (2) iron or wooden stays between the posts. Stays shall be placed equal distance apart from themselves and the post on either side;
 - (ii) A post and board fence made of sound posts not less than four (4) inches in diameter set substantially in the ground not more than ten (10) feet apart, with three (3) boards sold as one (1) inch lumber eight (8) inches wide, and not more than ten (10) inches apart, or four (4) boards sold as one (1) inch lumber six (6) inches wide, not more than eight (8) inches apart, securely fastened with nails or otherwise;
 - (iii) A four (4) pole fence with round poles not less than two (2) inches in diameter at the small end, with either upright or leaning posts not more than sixteen (16) feet apart, and securely fastened with nails, wires or otherwise.
- (b) All other fences made and constructed of boards, rails, poles, stones, hedge plants or other material which upon evidence is declared to be as strong and well calculated to protect enclosures, and is as effective for resisting breaching stock as those described in subsection (a) of this section, shall be considered a lawful fence.
- (c) Any fence enclosing any hay corral situated outside of any field or pasture enclosed by a lawful fence, shall be at least six (6) feet high, constructed of boards, poles or wire. The posts shall not be more than eight (8) feet apart and set twenty-four (24) inches in the ground. If the fence is constructed of barbed wire there shall be at least seven (7) spans of wire, and all wires shall be kept properly stretched. Any fence better than the above described fence is a lawful fence.

I/we have read and understand the provisions of **W.S. §18-5-319 (Fencing requirements for subdivision permits)** and **W.S. §11-28-102 (Lawful fences generally)**.

I/we, the subdivider(s), declare: (initial all that apply)

____ I/we have provided evidence that livestock cannot be legally run at large on lands adjacent to the subdivision. The evidence exists in the official subdivision file in the Planning and Zoning Department.

____ I/we have determined that livestock can be legally run at large on lands adjacent to the subdivision; and

____ I/we have provided evidence that a legal perimeter fence, according to **W.S. §11-28-102**, exists around the subdivision. The evidence exists in the official subdivision file in the Planning and Zoning Department. (Proceed to signature section.)

____ I/we have provided statements from all adjacent landowners consenting that a perimeter fence is not necessary. The statements are in the official subdivision file in the Planning and Zoning Department. (Proceed to signature section.)

____ I/we will construct a lawful perimeter fence, according to the requirements of **W.S. § 11-28-102** and **W.S. § 18-5-306(a)(xiii)** and I/we will be bound to this provision pursuant to a Subdivision Improvements Agreement. I/we have read and understand the provisions of **W.S. § 11-28-102** in order to build a lawful perimeter fence.

FURTHER AFFIANT SAYETH NOT.

Dated this ____ day of _____, 20__.

Affiant(s’)/Authorized Agent(s) Signature

STATE OF _____)
)SS
COUNTY OF _____)

Subscribed and sworn to before me by _____ this ____ day of _____, 20____. WITNESS my hand and official seal.

Notary Public

My commission expires: _____