



TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

TRANSMITTAL MEMO

Town of Jackson

- ☒ Public Works/Engineering
- ☐ Building
- ☐ Title Company
- ☒ Town Attorney
- ☐ Police

Joint Town/County

- ☐ Parks and Recreation
- ☐ Pathways
- ☐ Housing Department

Teton County

- ☐ Planning Division

- ☐ Engineer
- ☐ Surveyor- *Nelson*
- ☐ Assessor
- ☐ Clerk and Recorder
- ☐ Road and Levee

State of Wyoming

- ☐ Teton Conservation
- ☐ WYDOT
- ☐ TC School District #1
- ☐ Game and Fish
- ☐ DEQ

Federal Agencies

- ☐ Army Corp of Engineers

Utility Providers

- ☐ Qwest
- ☐ Lower Valley Energy
- ☐ Bresnan Communications

Special Districts

- ☐ START
- ☐ Jackson Hole Fire/EMS
- ☐ Irrigation Company

Date: December 16, 2021	REQUESTS: The applicant is submitting a request for a Complete Vacation of Plat No. 1308 for the property located at 177 Center St., legally known as UNITS 1,2,3,4,5,6 and 7, 177 CENTER STREET CONDOMINIUMS PIDNs: 22-41-16-27-3-28-001, 002, 003, 004, 005, 006, 007 For questions, please call Paul Anthony at 307-733-0440 x1303, or email to the address shown to the left. Thank you.
Item #: P21-330	
Planner: Paul Anthony Phone: 733-0440 ext. 1303 Email: panthony@jacksonwy.gov	
Owner: Tiki Tower, LLC PO Box 9149 Jackson, WY 83002 Agent: SJ Planning Solutions PO Box 523 Jackson, WY 83001	
Please respond by: January 6, 2022 (with Comments)	

RESPONSE: For Departments not using Trak-it, please send responses via email to:
alangley@jacksonwy.gov



PO Box 523 / 60 E. Simpson
Jackson, WY 83001
susan@SJplanningsolutions.com
307.413.2694

December 15, 2021

Paul Anthony, Planning Director
Town of Jackson Planning & Building Department
150 E. Pearl Avenue
Jackson, WY 83001

Hand Delivered and Sent by Email

RE: Complete Vacation of Plat No. 1038

Dear Paul,

I am submitting a Miscellaneous application as the Agent on behalf of George Phocas, President of Tiki Tower LLC, in order to initiate a Complete Vacation of Plat by affidavit pursuant to LDR Section 8.2.13.C.3. The plat that is being vacated is Plat No. 1308, known as 177 Center Street Condominiums Addition to the Town of Jackson, Teton County, Wyoming. The plat consists of seven condominium units (six commercial and one residential), all owned by Tiki Tower LLC.

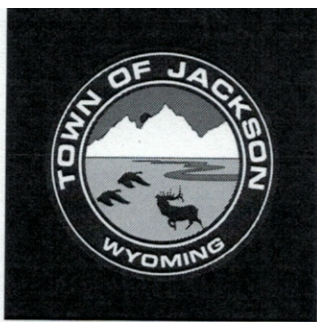
A document is included in these application materials to affect a complete vacation of plat, as well as a vacation of the Declaration of Condominium, thus reverting the land to its prior configuration as Lot 11 of the W.W. Smith Addition to the Town of Jackson Second Filing, before being condominiumized as 177 Center Street Condominiums Addition to the Town of Jackson.

Feel free to contact me with any questions or if you need additional information. I look forward to hearing from you regarding this application.

Best Regards,

Susan Johnson
SJ Planning Solutions

Attachments: Planning Permit Application
Vacation of Plat and Declaration of Condominium
Letter of Authorization
Tiki Tower LLC Operating Agreement
Tiki Tower LLC Resolution of Manager



PLANNING PERMIT APPLICATION
Planning & Building Department

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | www.townofjackson.com
Jackson, WY 83001

For Office Use Only

Fees Paid _____

Date & Time Received _____

Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: Complete Vacation of Plat No. 1308 and Declaration of Condominium (Doc # 0801934)

Physical Address: 177 Center Street

Lot, Subdivision: Units 1, 2, 3, 4, 5, 6, and 7-R, 177 Center Street Condos

PIDN: 22-41-16-27-3-28-001, -002, -003, -004, -005, -006, -007

PROPERTY OWNER.

Name: Tiki Tower LLC

Phone: _____

Mailing Address: PO Box 9149, Jackson

ZIP: 83002

E-mail: _____

APPLICANT/AGENT.

Name: George Phocas

Phone: 215-888-5474

Mailing Address: PO Box 9149, Jackson

ZIP: 83002

E-mail: george@pirateship.com

DESIGNATED PRIMARY CONTACT.

____ Property Owner ☒ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; review the type of application at www.townofjackson/200/Planning

Use Permit

____ Basic Use

____ Conditional Use

____ Special Use

Relief from the LDRs

____ Administrative Adjustment

____ Variance

____ Beneficial Use Determination

____ Appeal of an Admin. Decision

Physical Development

____ Sketch Plan

____ Development Plan

____ Design Review

Subdivision/Development Option

____ Subdivision Plat

____ Boundary Adjustment (replat)

____ Boundary Adjustment (no plat)

____ Development Option Plan

Interpretations

____ Formal Interpretation

____ Zoning Compliance Verification

Amendments to the LDRs

____ LDR Text Amendment

____ Map Amendment

Miscellaneous

☒ other: Complete Vacation

____ Environmental Analysis

PRE-SUBMITTAL STEPS. To see if pre-submittal steps apply to you, go to www.townofjackson.com/200/Planning and select the relevant application type for requirements. Please submit all required pre-submittal steps with application.

Pre-application Conference #: N/A Environmental Analysis #: N/A
Original Permit #: N/A Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. Go to www.townofjackson.com/200/Planning and select the relevant application type for submittal requirements.

Have you attached the following?

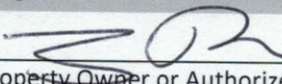
\$180 **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

X **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at <http://www.townofjackson.com/DocumentCenter/View/845/LetterOfAuthorization-PDF>.

X **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.



Signature of Property Owner or Authorized Applicant/Agent

George Phocas

Name Printed

12-13-2021

Date

President, Tiki Tower LLC

Title

COMPLETE VACATION OF PLAT AND DECLARATION OF CONDOMINIUM

Whereas, the undersigned is the owner of **Units 1, 2, 3, 4, 5, 6 and 7-R (the “Units”)** of the **177 Center Street Condominiums Addition to the Town of Jackson, Teton County, Wyoming**, according to that plat recorded in the office of the Teton County Clerk on September 28, 2011 as **Plat No. 1308** (the “Plat”) and as further defined in that *Declaration of Condominium and of Covenants, Conditions and Restrictions for the 177 Center Street Condominiums* recorded as Document number 0801934 in the land records of the Teton County Clerk on September 28, 2011 (the “Declaration”).

Whereas, the Parcel Identification Numbers for the Units are: PIDNs 22-41-16-27-3-28-001, 22-41-16-27-3-28-002, 22-41-16-27-3-28-003, 22-41-16-27-3-28-004, 22-41-16-27-3-28-005, 22-41-16-27-3-28-006, 22-41-16-27-3-28-007.

Whereas, the Units comprise all units and all real property in the Plat.

Whereas, the undersigned wishes to completely vacate the Plat and the Declaration and revert the Property to its prior status as **Lot 11 of the W.W. Smith Addition to the Town of Jackson Second Filing, Teton County, Wyoming**, according to that plat recorded in the office of the Teton County Clerk on **March 15, 1993 as Plat No 769, PIDN 22-41-16-27-3-25-001 (“Lot 11”)**.

Whereas, Wyoming Statutes Section 34-12-106 requires that the Town of Jackson, a Municipal Corporation of the State of Wyoming, approve the vacation of the Plat, which approval may not be arbitrarily or unreasonably withheld.

Whereas, The Town of Jackson, a Municipal Corporation of the State of Wyoming, acting through its Planning Director, approves the complete vacation of the Plat and Declaration pursuant to LDR 8.2.13.C.3.

NOW, THEREFORE, pursuant to Wyoming Statutes Section 34-12-106, the undersigned owner of all Units in the Plat hereby completely vacates the Plat and vacates and terminates the Declaration in full and reverts the real property that comprises the Units to its prior status as Lot 11.

The Town of Jackson, acting through its Planning Director, pursuant to Wyoming Statutes Section 34-12-106 and LDR 8.2.13.C.3, hereby approves of the complete vacation of the Plat and the Declaration and the reversion of the real property to its prior status as Lot 11.

The undersigned respectfully requests that the Teton County Clerk write “vacated” on the Plat and also requests that the Teton County Clerk make a reference on said Plat to the Document Number in which this instrument of Complete Vacation of Plat has been recorded.

Henceforth the real property that comprises the Plat shall revert to be known and described as **Lot 11 of the W.W. Smith Addition to the Town of Jackson Second Filing, Teton County, Wyoming**, according to that plat recorded in the office of the Teton County Clerk on **March 15, 1993 as Plat No 769, PIDN 22-41-16-27-3-25-001** and the Declaration shall be terminated and have no further force and effect.

Owner of all Units in the Plat:

Tiki Tower LLC

a Wyoming limited liability company

By: _____

Name: _____

Its: _____

(acknowledgment and further signatures and acknowledgments on following page)

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me by _____ as _____
_____ of Tiki Tower LLC, a Wyoming limited liability company on this __ day of _____
_____, 2021.
WITNESS my hand and official seal.

(seal)

Notary public
My commission expires: _____

Town of Jackson Wyoming, a Municipal Corporation of the State of Wyoming

By: _____
Name: _____
Its: Planning Director

Attest: _____
Name: _____
Its: Jackson Town Clerk

State of Wyoming)
) ss.
County of Teton)

The foregoing instrument was acknowledged before me by _____ as _____
Planning Director of the Town of Jackson, a Municipal Corporation of the State of Wyoming and by _____
_____ as Jackson Town Clerk on this __ day of _____, 2021.
WITNESS my hand and official seal.

(seal)

Notary public
My commission expires: _____



Town of Jackson
150 E Pearl Avenue
PO Box 1687, Jackson, WY 83001
P: (307)733-3932 F: (307)739-0919
www.jacksonwy.gov

Date:

LETTER OF AUTHORIZATION NAMING APPLICANT AS OWNER'S AGENT

PRINT full name of property owner as listed on the deed when it is an individual OR print full name and title of President or Principal Officer when the owner listed on the deed is a corporation or an entity other than an individual

Being duly sworn, deposes and says that Tiki Tower LLC is the owner in fee of the premises located at:

Name of property owner as listed on deed

Address of Premises: 177 Center Street, Jackson WY 83001

Legal Description: See Attached

Please attach additional sheet for additional addresses and legal descriptions

And, that the person named as follows: Name of Applicant/agent: George Phocas, President & General Counsel

Mailing address of Applicant/agent: PO Box 9149, Jackson WY 83002

Email address of Applicant/agent: george@pirateship.com

Phone Number of Applicant/agent: 215-888-5474

Is authorized to act as property owner's agent and be the applicant for the application(s) checked below for a permit to perform the work specified is this(these) application(s) at the premises listed above:

- ☐ Development/Subdivision Plat Permit Application ☐ Building Permit Application
- ☐ Public Right of Way Permit ☐ Grading and Erosion Control Permit ☐ Business License Application
- ☐ Demolition Permit ☒ Other (describe) Complete Vacation of Plat and Condominium Plan

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

Property Owner Signature
President & General Counsel

Title if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner

STATE OF Wyoming)
) SS.
COUNTY OF Teton)



The foregoing instrument was acknowledged before me by George Phocas this 13th day of December, 2021. WITNESS my hand and official seal.

Notary Public

My commission expires: 3-15-2022

LEGAL DESCRIPTION

177 Center Street, Jackson WY

Units 1, 2, 3, 4, 5, 6 and 7-R (the "Units") of the 177 Center Street Condominiums Addition to the Town of Jackson, Teton County, Wyoming , according to that plat recorded in the office of the Teton County Clerk on September 28, 2011 as Plat No. 1308 (the "Plat") and as further defined in that *Declaration of Condominium and of Covenants, Conditions and Restrictions for the 177 Center Street Condominiums* recorded as Document number 0801934 in the land records of the Teton County Clerk on September 28, 2011.

The Parcel Identification Numbers for the Units are:

22-41-16-27-3-28-001,
22-41-16-27-3-28-002,
22-41-16-27-3-28-003,
22-41-16-27-3-28-004,
22-41-16-27-3-28-005,
22-41-16-27-3-28-006,
22-41-16-27-3-28-007.

SINGLE MEMBER OPERATING AGREEMENT OF

Tiki Tower LLC

THIS OPERATING AGREEMENT is entered as of the 15th day of August, 2019 (the "Effective Date"), by Tiki Tower LLC, a limited liability company organized and existing under the laws of the State of Wyoming having an address at 680 S. Cache Street, Suite 100, Jackson WY 83001 (the "Company"), and Buried Treasure LLC, f/k/a Postage Pirate LLC, Wyoming limited liability company (the "Member"), as sole member.

ARTICLE I

DEFINITIONS

Section 1. Certain Definitions. As used herein, the following terms have the following meanings:

(A) "Act" means the Limited Liability Company Act of the State of Wyoming, as from time to time amended.

(B) "Agreement" means this Operating Agreement, as the same may be amended from time to time.

(C) "Code" means the Internal Revenue Code of 1986, as amended from time to time.

(D) "Company" means Tiki Tower LLC, the limited liability company formed and governed pursuant to this Agreement.

(E) "Legal Representative" of a Member will mean executor, executors, administrator, administrators, committee, guardian, distributee, under the intestacy laws or other personal representative of a deceased Member.

(F) "Manager" means the Manager designated by the Company to manage the affairs of the Company. The initial Manager will be Bjorn Borstelmann or his designee.

(G) "Person" or "person" will mean any individual, trust, estate, partnership, association,

firm, company, or corporation, or any state or public officer, agency or instrumentality.

(H) "Property" will mean any and all assets and property of the Company, real or personal, tangible or intangible (including but not limited to goodwill), including but not limited to money and any legal or equitable interest in any such assets and property, but excluding services and promises to perform services in the future.

(I) "Transfer" or "transfer" will mean sell, assign, convey, donate, bequeath, pledge, grant a security interest in, encumber, transfer or otherwise dispose of or contract to transfer, whether voluntarily or involuntarily.

(J) "Treasury Regulation(s)" means the regulations of the United States Department of the Treasury promulgated under the Code, as the same may be amended or supplemented from time to time.

Section 1.2. Formation of the Company. The Member agrees to form the Company under and pursuant to the provisions of the Act, for the purposes and scope set forth in the Articles of Organization and this Agreement. The Member will cause to be filed in the appropriate governmental office Articles of Organization that conform to the requirements of the Act in order to constitute the Company as a valid limited liability company under the Act. The costs and expenses associated with its formation will be borne by the Company.

Section 1.3. Name. The Company's name will be "Tiki Tower LLC", and such name will be used at all times in connection with the business and affairs of the Company.

Section 1.4. Name and Address of Sole Member. The name and mailing address of the Member are as set forth at the beginning of this Agreement.

Section 1.5. Principal Office. The principal office of the Company will be at the location set forth in the recitals above, or such other location as may be hereinafter determined by the Member.

Section 1.6. Statutory Agent for Service. The Company's statutory agent for service

will be Mountain Business Center, LLC at 680 S. Cache Street, Suite 100, Jackson WY 83001.

Section 1.7. Election of Tax Status. Until more Members are added, the Company elects to be taxed as a sole proprietorship for federal, state and local income tax purposes. The Member will complete and file IRS Form 8832, and any similar filing required by the State of Wyoming, with all appropriate governmental agencies setting forth such election.

ARTICLE II

CAPITAL CONTRIBUTIONS

Section 2.1. Initial Capital Contributions. As of the Effective Date, the Member has heretofore made his or its respective capital contributions to the Company as reflected on Schedule 2.1 attached hereto and incorporated herein by reference.

Section 2.2. Additional Capital Contributions. Except as otherwise provided in Schedule 2.1., the Member will not be required to make capital contributions in addition to those mentioned in the preceding paragraph.

ARTICLE III

DISTRIBUTIONS

Section 3.1. Distributions. Subject to the provisions of Section 7.3 hereof, the Company's net profits will be distributed to the Member at such times and in such amounts as the Member will determine in his or its absolute discretion. Such distributions may take the form of cash or Property as the Manager will determine in his or its absolute discretion.

ARTICLE IV

ACCOUNTING

Section 4.1. Accounting Methods. The Company books and records will be prepared in accordance with generally accepted accounting principles, consistently applied. The Company will

be on a cash basis for both tax and accounting purposes, or as otherwise determined by the Manager. The Manager is hereby designed as the "tax matters partner" for the Company (as such term is defined in Section 6231(a)(7) of the Code).

Section 4.2. Fiscal Year. The fiscal year of the Company will be the twelve calendar month period ending December 31.

ARTICLE V

MANAGEMENT

Section 5.1. Manager's Powers. The business, affairs and property of the Company will be managed by the Manager pursuant to the rules contained in the Act for limited liability companies in which management is vested in managers. The Manager will be responsible for the general overall supervision of the business and affairs of the Company. The Manager may sign, on behalf of the Company, checks, deeds, mortgages, bonds, contracts or other instruments, except in cases where the signing or execution thereof will be expressly delegated by the Managers or by this Agreement or by statute to some other officer or agent of the Company.

ARTICLE VI

TRANSFER OF MEMBER'S INTEREST

Section 6.1. Transfer Prohibited. No Member will be entitled to assign, convey, sell, transfer, pledge, encumber or in any way alienate all or any part of such Member's Interests (including a profit or distribution interest). Upon the passage, transfer, or disposition of any Interests of the Company in any voluntary or involuntary manner whatsoever in violation of this Agreement, including but not limited to any sale, assignment, or passage or disposition under court order, property settlement pursuant to divorce or dissolution of marriage proceedings or the like, legal process, testate or intestate administration, execution, attachment, enforcement of a pledge, trust, or encumbrance, or

sale under any of them, the recipient of such transferred Interest will be treated as an Assignee and will have no right to participate in the management of the business and affairs of the Company or to become a Member, as also more fully set forth in W.S. § 17-29-502.

ARTICLE VII

DISSOLUTION OF THE COMPANY;

DISSOCIATION OF A MEMBER

Section 7.1. Dissolution of the Company. The Company will only be dissolved upon a affirmative vote of the Member(s) or the occurrence of any of the events set forth in Section 17-29-701 of the Act.

Section 7.2. Effect of Dissolution. Upon dissolution, the Company will cease carrying on the Company business except as necessary for the winding up of the Company business, and the Company is not terminated, but rather will continue until the winding up of the affairs of the Company is completed and a Certificate of Dissolution has been issued by the Secretary of State of the State of Wyoming.

Section 7.3. Distribution of Assets on Dissolution. Upon the winding up of the Company, the Company's Property will be distributed: first, to creditors, including the Member if then a creditor, to the extent permitted by law, in satisfaction of the Company's indebtedness and other liabilities; and second, to the Member, or if the Member is not then living, as otherwise directed by the Member in writing, or if the Member is not then living and no such writing exists, by the laws of intestacy of the State of Wyoming

Section 7.4. Winding Up and Certificate of Dissolution. The winding up of the Company will be completed when all debts, liabilities, and obligations of the Company have been paid and discharged or reasonably adequate provision therefore has been made, and all of the remaining Property and assets of the Company have been distributed as provided in Section 8.3

hereof. Upon the completion of winding up of the Company, a Certificate of Dissolution will be delivered to the Office of the Secretary of State of the State of Wyoming for filing. The Certificate of Dissolution will set forth the information required by the Act.

ARTICLE VIII

GENERAL

Section 8.1. General. This Agreement supersedes any prior agreement or understandings between the parties with respect to the Company. This Agreement and the rights of the parties hereunder will be governed by and interpreted in accordance with the laws of the State of Wyoming. This Agreement may not be amended or modified verbally, nor may any provision hereof be waived by any party, but only by a written instrument duly executed by the Company and the Member. Except as herein otherwise specifically provided, this Agreement will be binding upon and inure to the benefit of the parties and their respective heirs, legal representatives, successors and assigns. If any provision of this Agreement or the application of such provision to any person or circumstance will be held invalid, the remainder provision or any other persons of circumstances will not be affected thereby. This Agreement may be executed in several counterparts, each of which will be deemed an original, but all of which will constitute one and the same document.

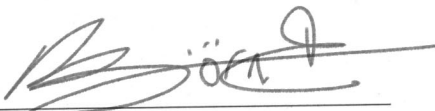
Section 8.2. Entire Agreement. This Agreement represents the entire agreement between the parties relating to the subject matter hereof.

Section 8.3. Rights of Creditors and Third Parties Under Agreement. Upon application to a court of competent jurisdiction by a judgment creditor of a Member of the Company, or an Assignee of a Member's Interests in the Company, the court may charge the Member's Interest in the Company with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an Assignee as further set forth in W. S. § 17-29-503. The charging order is the exclusive remedy by which a judgment

creditor of the Member or an Assignee of a Member's Interests in the Company may satisfy a judgment against the Member's Interests. Furthermore, this section does not deprive any Member of the exemption laws available to the Member's Interests in the Company.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above written.

Tiki Tower LLC

By: 
Bjorn Borstelmann, as Manager

Buried Treasure LLC


Felix Krüger, as Manager

TIKI TOWER LLC

RESOLUTIONS OF MANAGER

The undersigned, being the sole Manager of Tiki Tower LLC (the “Company”), does hereby consent to the adoption of the following resolutions in accordance with the Limited Liability Company Act of the State of Wyoming (the “Act”) and the Operating Agreement of the Company:

WHEREAS, the Manager of Company has determined that it is in the best interests of the Company to vacate the plat and condominium plan (the “Vacation Plan”) at 177 Center Street, Jackson WY (the “Property”); and

WHEREAS, the Manager of the Company wishes to authorize George Phocas to pursue the Vacation Plan and undertake all actions and sign all such documents necessary to pursue the Vacation Plan:

NOW, THEREFORE, BE IT,

RESOLVED, that the following person is hereby named and designated to serve in the office described beside his name to take all actions necessary and sign all documents required to execute and complete the Vacation Plan and undertake such actions and sign such documents as otherwise authorized for such office by the Company’s Operating Agreement and the Act:

George Phocas

President and General Counsel

FURTHER RESOLVED,

Complete Vacation of Plat and Declaration of Condominium. That the Vacation Plan for the Property is hereby approved and authorized and the officers of the Company, including the above-named officer, are hereby authorized and directed to execute all such applications, documents, contracts and take all such action necessary to execute the Vacation Plan for the Property on behalf of the Company.

IN WITNESS WHEREOF, the Manager of the Company executed these resolutions as of December 10, 2021.

Bjorn Borstelmann, Manager of Tiki Tower LLC



COMPLETE VACATION OF PLAT AND DECLARATION OF CONDOMINIUM

Whereas, the undersigned is the owner of **Units 1, 2, 3, 4, 5, 6 and 7-R (the “Units”)** of the **177 Center Street Condominiums Addition to the Town of Jackson, Teton County, Wyoming**, according to that plat recorded in the office of the Teton County Clerk on September 28, 2011 as **Plat No. 1308** (the “Plat”) and as further defined in that *Declaration of Condominium and of Covenants, Conditions and Restrictions for the 177 Center Street Condominiums* recorded as Document number 0801934 in the land records of the Teton County Clerk on September 28, 2011 (the “Declaration”).

Whereas, the Parcel Identification Numbers for the Units are: PIDNs 22-41-16-27-3-28-001, 22-41-16-27-3-28-002, 22-41-16-27-3-28-003, 22-41-16-27-3-28-004, 22-41-16-27-3-28-005, 22-41-16-27-3-28-006, 22-41-16-27-3-28-007.

Whereas, the Units comprise all units and all real property in the Plat.

Whereas, the undersigned wishes to completely vacate the Plat and the Declaration and revert the Property to its prior status as **Lot 11 of the W.W. Smith Addition to the Town of Jackson Second Filing, Teton County, Wyoming**, according to that plat recorded in the office of the Teton County Clerk on **March 15, 1993 as Plat No 769, PIDN 22-41-16-27-3-25-001 (“Lot 11”)**.

Whereas, Wyoming Statutes Section 34-12-106 requires that the Town of Jackson, a Municipal Corporation of the State of Wyoming, approve the vacation of the Plat, which approval may not be arbitrarily or unreasonably withheld.

Whereas, The Town of Jackson, a Municipal Corporation of the State of Wyoming, acting through its Planning Director, approves the complete vacation of the Plat and Declaration pursuant to LDR 8.2.13.C.3.

NOW, THEREFORE, pursuant to Wyoming Statutes Section 34-12-106, the undersigned owner of all Units in the Plat hereby completely vacates the Plat and vacates and terminates the Declaration in full and reverts the real property that comprises the Units to its prior status as Lot 11.

The Town of Jackson, acting through its Planning Director, pursuant to Wyoming Statutes Section 34-12-106 and LDR 8.2.13.C.3, hereby approves of the complete vacation of the Plat and the Declaration and the reversion of the real property to its prior status as Lot 11.

The undersigned respectfully requests that the Teton County Clerk write “vacated” on the Plat and also requests that the Teton County Clerk make a reference on said Plat to the Document Number in which this instrument of Complete Vacation of Plat has been recorded.

Henceforth the real property that comprises the Plat shall revert to be known and described as **Lot 11 of the W.W. Smith Addition to the Town of Jackson Second Filing, Teton County, Wyoming**, according to that plat recorded in the office of the Teton County Clerk on **March 15, 1993 as Plat No 769, PIDN 22-41-16-27-3-25-001** and the Declaration shall be terminated and have no further force and effect.

Owner of all Units in the Plat:

Tiki Tower LLC
a Wyoming limited liability company

By: _____

Name: _____

Its: _____

(acknowledgment and further signatures and acknowledgments on following page)

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me by _____ as _____
_____ of Tiki Tower LLC, a Wyoming limited liability company on this __ day of _____
_____, 2021.

WITNESS my hand and official seal.

(seal)

Notary public
My commission expires: _____

Town of Jackson Wyoming, a Municipal Corporation of the State of Wyoming

By: _____
Name: _____
Its: Planning Director

Attest: _____
Name: _____
Its: Jackson Town Clerk

State of Wyoming)
) ss.
County of Teton)

The foregoing instrument was acknowledged before me by _____ as _____
Planning Director of the Town of Jackson, a Municipal Corporation of the State of Wyoming and by _____
_____ as Jackson Town Clerk on this __ day of _____, 2021.

WITNESS my hand and official seal.

(seal)

Notary public
My commission expires: _____

CERTIFICATE OF SURVEYOR

State of Wyoming)
County of Teton)ss
I, Michael J. Quinn of Wilson, Wyoming, hereby certify, to the best of my knowledge and belief: that by authority of the owners I have subdivided the lands shown on this plat for condominium ownership to be known as 177 CENTER STREET CONDOMINIUMS ADDITION TO THE TOWN OF JACKSON.

that the lands of this subdivision are described as: Lot 11 of the W.W. Smith Addition to the Town of Jackson, Second Filing, a subdivision of record in the Office of the Teton County Clerk as Plat No. 769 and located within the SW1/4 SW 1/4, Section 27, Township 41 North, Range 116 West, 6th P.M., Town of Jackson, Teton County, Wyoming.

that this plat was made from the notes of surveys made by me or under my direction, from architectural drawings, and from records in the Office of the Teton County Clerk;

that all dimensions and areas are correctly shown according to the measured location and dimensions of the building foundations and individual units and from architectural drawings;

Michael J. Quinn, Wyoming Professional Land Surveyor 4270



The foregoing instrument was acknowledged before me by Michael J. Quinn this 8TH day of SEPT., 2011.
Witness my hand and official seal.



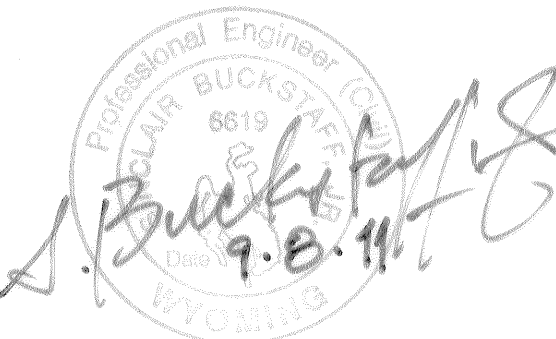
Notary Public

My commission expires: 4/20/12

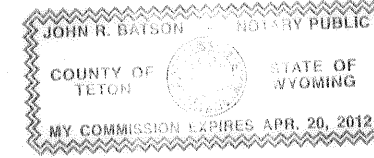
CERTIFICATE OF ENGINEER

State of Wyoming)
County of Teton)ss
I, Sinclair Buckstaff, Jr., hereby certify that the water distribution and sewer collection facilities designed for the foregoing subdivision are adequate and safe, and meet Federal, State, and Town of Jackson requirements if built as designed and operated correctly.

Sinclair Buckstaff, Jr., Wyoming Professional Engineer 6619



The foregoing instrument was acknowledged before me by Sinclair Buckstaff, Jr., this 8TH day of SEPT., 2011.
Witness my hand and official seal.



Notary Public

My commission expires: 4/20/12

CERTIFICATE OF APPROVAL

State of Wyoming)
County of Teton)ss
City of Jackson)
The foregoing Subdivision, 177 CENTER STREET CONDOMINIUMS ADDITION TO THE TOWN OF JACKSON, was approved at the regular meeting of the Jackson Town Council on the 18th day of August, 2011 in accordance with Section 15-1-415 Wyoming Statutes.

Attest:
Shirley P. O'Malley
Jackson Town Engineer

Town of Jackson
Mayor
Planning Director

CERTIFICATE OF OWNER

State of Wyoming)
County of Teton)ss
The undersigned owner and proprietor of the lands described in the Certificate of Surveyor and shown hereon hereby certifies:

that the foregoing subdivision and the survey and measure of the lands, building, and common areas, as shown hereon is with the free consent and in accordance with the desires of the undersigned owners and proprietors;

that the name of the subdivision shall be 177 CENTER STREET CONDOMINIUMS ADDITION TO THE TOWN OF JACKSON;

that this subdivision is subject to that Declaration of Condominium and of Covenants, Conditions, and Restrictions for the 177 CENTER STREET CONDOMINIUMS, to be recorded concurrently with this plat, and subsequent amendments thereto;

that this subdivision is subject to the terms and conditions of the Final Development Plan approved by the Planning Director on November 19, 2010, and subsequent amendments thereto;

that access to this subdivision is through the alley which joins Gill Avenue and that 18 foot wide beneficial non-exclusive easement for access, ingress and egress purposes, appearing of record in Book 193, pages 152-153, records of Teton County;

that this subdivision is subject to that beneficial non-exclusive easement for access, ingress, egress and utility purposes, appearing of record in Book 197 of Photo, pages 582-583, records of Teton County;

that this subdivision is subject to that beneficial non-exclusive easement for access, ingress, egress and utility purposes, appearing of record in Book 197, pages 584-585, records of Teton County;

that this subdivision is subject to that beneficial drainage and utility easement, appearing of record in Book 266, pages 1037-1038, records of Teton County;

that this subdivision is subject to that easement to Lower Valley Energy, appearing of record in Book 698, page 883, records of Teton County;

that the drainage infiltration system in the northeast corner of the subdivision shall not be disturbed or altered in any way that would inhibit its designated function;

that ownership of a Condominium Unit of this subdivision shall consist of a fee simple estate in an individual air space unit of this subdivision together with an undivided fee simple interest in the common elements of this subdivision. The percentage of undivided interest in said common elements shall be that computed for each Unit and listed in Said Declaration of Condominium and shall be amended from time to time;

That the common area, being that portion of this subdivision lying outside of the building footprint but within the lot boundaries as shown hereon and being a portion of the common elements of this subdivision is hereby dedicated to the use and enjoyment of the owners of units within this subdivision;

that the Limited Common Elements of this subdivision, denoted by "LCE-" and followed by the number of the appurtenant unit or units, are portions of the Common Elements of this subdivision and are hereby dedicated to the exclusive use and enjoyment of the owner of the appurtenant unit(s), subject to the easements granted herein and subject to the right of the 177 CENTER STREET Condominiums Owners Association and its authorized representatives to enter upon said limited common elements for the purpose of installing, maintaining, inspecting, or repairing, utility features, structures, and common elements of this subdivision;

that the Common and Limited Common Elements may contain certain facilities, including structural elements of the building, mechanical, electrical, sanitary, water, and telecommunication features, serving all of the Units of this Building. The presence of and access to these facilities is expressly permitted and may not be restricted by the owner(s) of the Common and Limited Common Elements or by the owner(s) of the Unit(s) to which said Common or Limited Common Elements are appurtenant;

that Unit 7-R of this subdivision is an "Accessory Residential Unit" as defined in the Land Development Regulations of the Town of Jackson and shall be appurtenant one of the Commercial Units of this subdivision. Unit 7R may not be sold, held, or transferred except as an appurtenant unit to the sale or transfer of a Commercial Unit of this subdivision.

that an easement across the common area(s) of this subdivision is hereby granted to those utility companies, their successors and assigns, serving this subdivision for the construction, maintenance and repair of utility services for this subdivision, and that the right to grant further easements across said common area(s) is hereby reserved to the undersigned owner, its successors and assigns, for the purpose of providing access and utility services to this subdivision;

that access to sewer and water facilities, including pipelines, manholes, meters and valves, is hereby granted to the Town of Jackson;

that access across the parking areas located within this subdivision is hereby granted to emergency vehicles including ambulances, fire fighting vehicles, and police vehicles;

that Lot 11, Block 1 of W.W. Smith Addition Second Filing to the Town of Jackson, Plat No. 769, as recorded in the Office of the Teton County Clerk, is hereby vacated in accordance with Sections 34-12-106 through 110, Wyoming Statutes, and the Clerk of Teton County is hereby respectfully requested to write "vacated" across said Lot, it being reconfigured as shown hereon;

that the right to ingress and egress across the common area(s) of this subdivision for construction and other purpose relating to this subdivision is hereby reserved to the undersigned owner and its heirs, successors, and assigns;

that the seller does not warrant to purchaser that he shall have any rights to the continued natural flow of any stream or river within or adjacent to the subdivision;

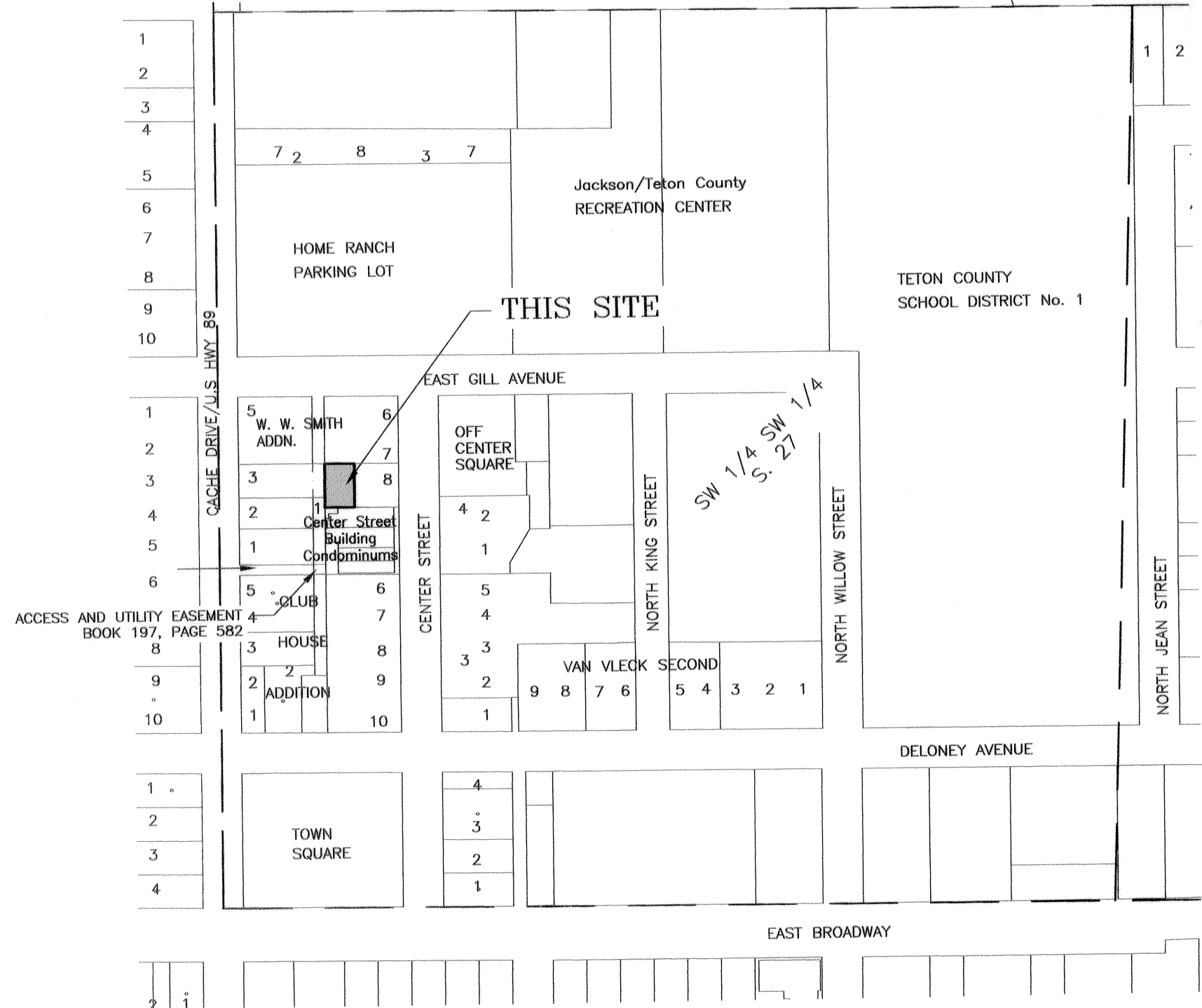
that Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river to persons living on the bank of the stream or river;

that all rights under and by virtue of the homestead exemption laws of the State of Wyoming are hereby released;

that this subdivision is subject to rights-of-way, easements, restrictions, reservations, and conditions, of sight or of record, including but not limited to those shown hereon.

177 Center Street LLC, an Idaho limited liability company

SIGNATURE BY SEPARATE AFFIDAVIT



VICINITY MAP
SW1/4 SW1/4, SECTION 27
TOWN OF JACKSON,
TETON COUNTY, WY

DEFINITIONS FOR CONDOMINIUM UNITS LOCATED WITHIN THIS SUBDIVISION

(a) "UNIT" or "CONDOMINIUM UNIT" means an individual air space unit which is contained within the perimeter walls, floors, ceilings, windows, and doors of each Unit of this Condominium Plat and more particularly described in Article III of this Declaration (and any amendments thereto), together with all fixtures and improvements therein contained, but not including any structural components of the Building, if any, located within the Unit.

(b) "COMMON ELEMENTS" shall mean all portions of the Condominium other than the Units, including, but not limited to, Limited Common Elements and any recreational areas, walkway areas, and stairwells, and any structural components of the Building, if any, located within Units.

(c) "LIMITED COMMON ELEMENTS" means those portions of the Common Elements that are either limited to and reserved for the exclusive use of an Owner of a condominium Unit or are limited to and reserved for the common use of more than one, but fewer than all, of the condominium Unit Owners.

ZONING DISTRICT: UC (URBAN COMMERCIAL), TSO (TOWN SQUARE OVERLAY)

TOTAL ACREAGE: 0.066 ACRES (2857.85 SF)
AREA OUTSIDE BUILDING FOOTPRINT: 0.010 ACRES (408.73 SF)
AREA WITHIN BUILDING FOOTPRINT: 0.056 ACRES (2449.12 SF)

NUMBER OF CONDOMINIUM UNITS: 7

SQUARE FOOTAGE OF CONDOMINIUM UNITS:

COMMERCIAL UNIT 1: 155 SF
COMMERCIAL UNIT 2: 350 SF
COMMERCIAL UNIT 3: 211 SF
COMMERCIAL UNIT 4: 273 SF
COMMERCIAL UNIT 5: 219 SF
COMMERCIAL UNIT 6: 175 SF
RESIDENTIAL UNIT 7-R: 1770 SF

SUBMITTAL DATE: 6/14/11

FINAL SUBMITTAL DATE: 8/10/11

Owner and Subdivider:

177 Center Street LLC
351 Talon Drive
Rexburg, ID 83440
(208) 356-8930

Engineer and Surveyor:

Nelson Engineering
Box 1599
Jackson, Wyoming 83001
(302) 733-2087

THIS SUBDIVISION WILL BE CONNECTED TO THE TOWN OF JACKSON WATER SUPPLY AND SEWAGE COLLECTION AND TREATMENT SYSTEMS.

THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE.

NO PUBLIC MAINTENANCE OF STREETS OR ROADS.

SELLER DOES NOT WARRANT TO PURCHASER THAT HE HAS ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM OR RIVER WITHIN OR ADJACENT TO THE SUBDIVISION.

WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF A STREAM OR RIVER TO PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER.

THIS SUBDIVISION SHALL NOT BE SUBJECT TO FURTHER DIVISIONS, EXCEPT AS PERMITTED BY THE TOWN OF JACKSON.

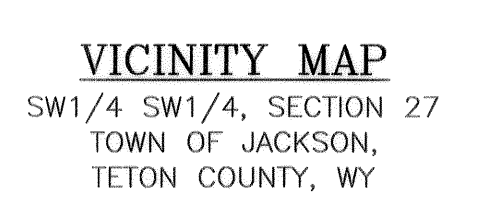
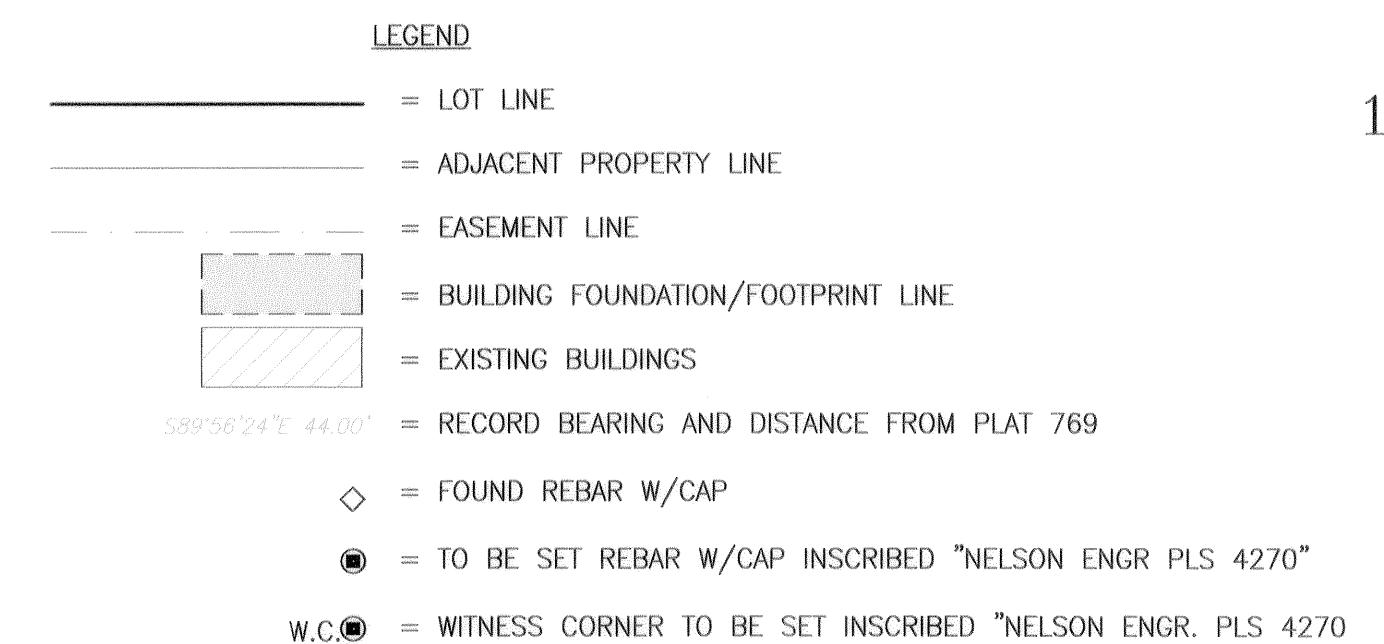
177 CENTER STREET CONDOMINIUMS
Addition to the Town of Jackson

a subdivision of Lot 11, W.W. Smith Addition
Second Filing
to the Town of Jackson
Plat No. 769
located within the
SW 1/4 SW 1/4, Section 27,
T41N, R116W, 6th P.M.,
Town of Jackson,
Teton County, Wyoming

GRANTOR: 177 CENTER STREET LLC
GRANTEE: THE PUBLIC PLAT #1308
Doc 0801932 bk 2MAPS pg 98-98 Filed At 11:29 ON 09/28/11
Sherry L. Daigle Teton County Clerk Fees: 50.00
By Kassie Hansen Deputy

DRAWING NO 1 of 4	JOB NO 11-035-01	DRAWING TITLE FINAL PLAT CERTIFICATE SHEET	JOB TITLE 177 CENTER STREET CONDOMINIUMS ADDITION TO THE TOWN OF JACKSON	DATE 6/14/11	REV. 7/26/11
				SURVEYED NE	ENGINEERED SK

NELSON ENGINEERING
P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

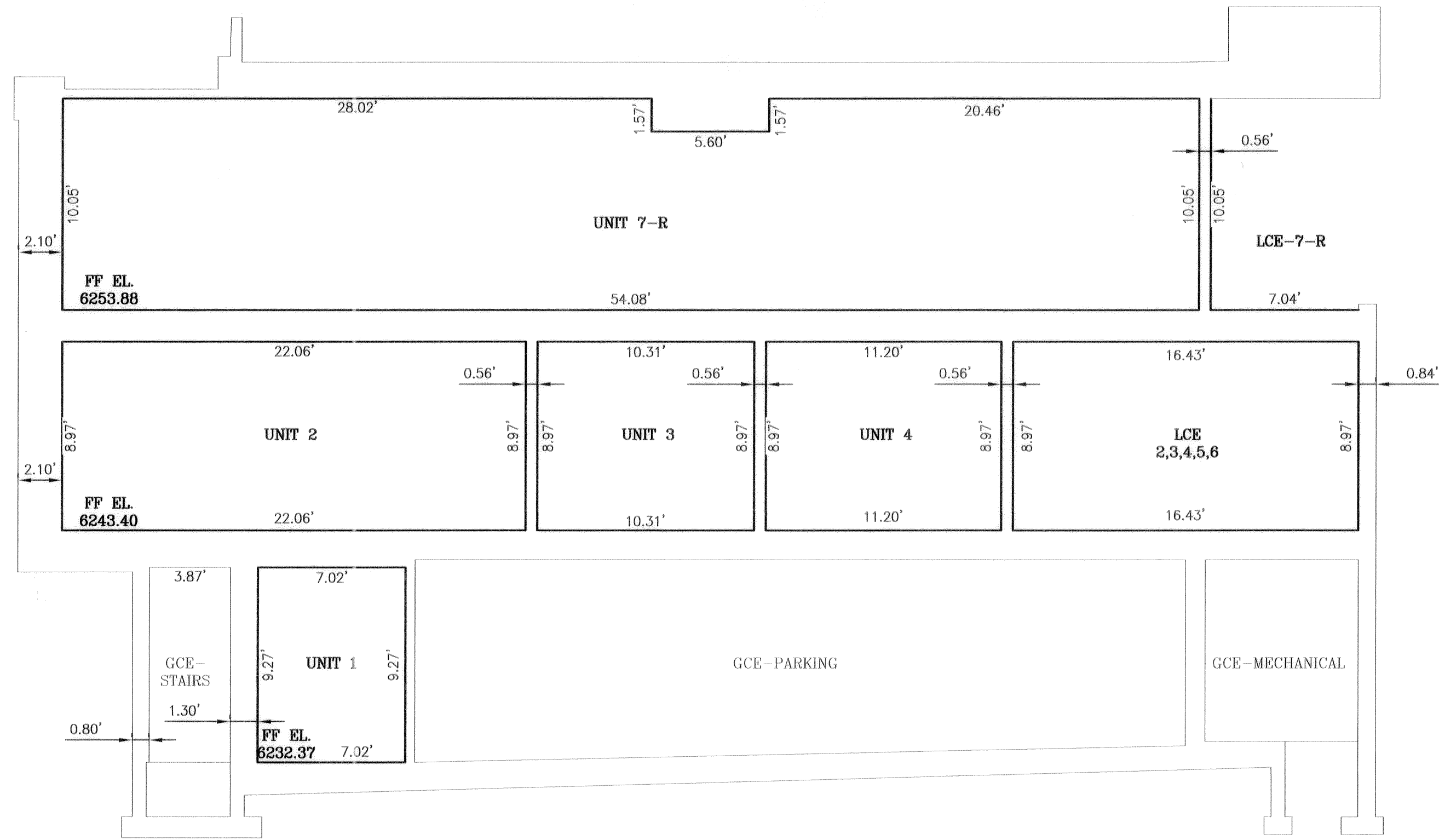


THIS SUBDIVISION SHALL NOT BE SUBJECT TO FURTHER DIVISIONS, EXCEPT AS PERMITTED BY THE TOWN OF JACKSON.

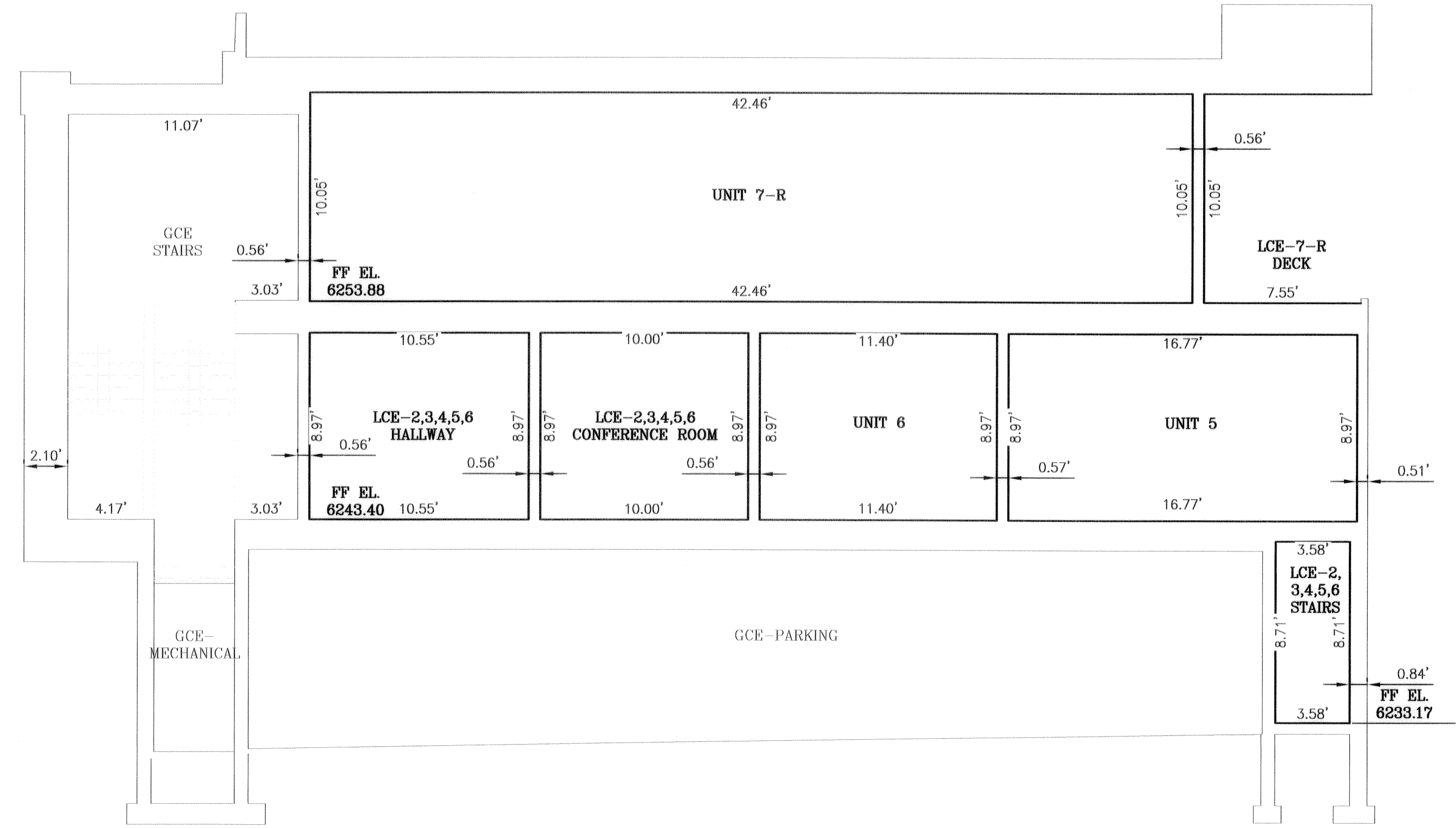
a subdivision of Lot 11, W.W. Smith Addition
Second Filing
to the Town of Jackson
Plat No. 769
located within the
SW 1/4 SW 1/4, Section 27,
T41N, R116W, 6th P.M.,
Town of Jackson,
Teton County, Wyoming

DRAWING NO 2 of 4	JOB TITLE 177 CENTER STREET CONDOMINIUMS ADDITION TO THE TOWN OF JACKSON	DRAWING TITLE FINAL PLAT SITE PLAN	<div> <div>NELSON</div> <div>ENGINEERING</div> </div> <div> P.O. BOX 1599, JACKSON WYOMING (307) 733-2087 </div>	DATE	6/14/11	REV.	7/26/11
				SURVEYED ENGINEERED	NE		
JOB NO 11-035-01				DRAWN	SK		
				CHECKED	MJQ		
				APPROVED			

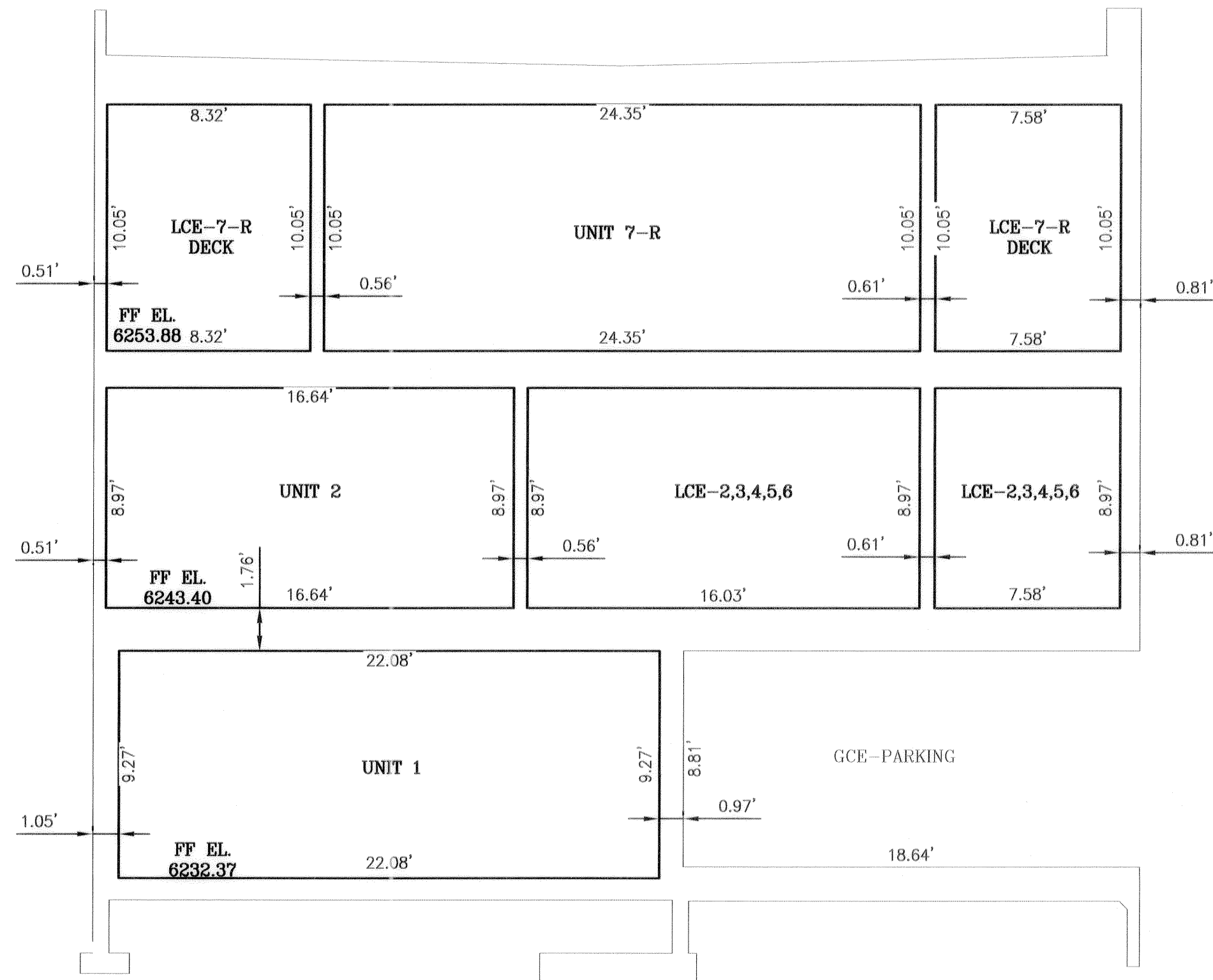
S:\Viro\BUILDING-IT (Town Square Building)\Drawings\Floor Plans\dwg SECTION.D - Aug 22 2011 09:26:05 pm PLOTTED BY: KierCiver



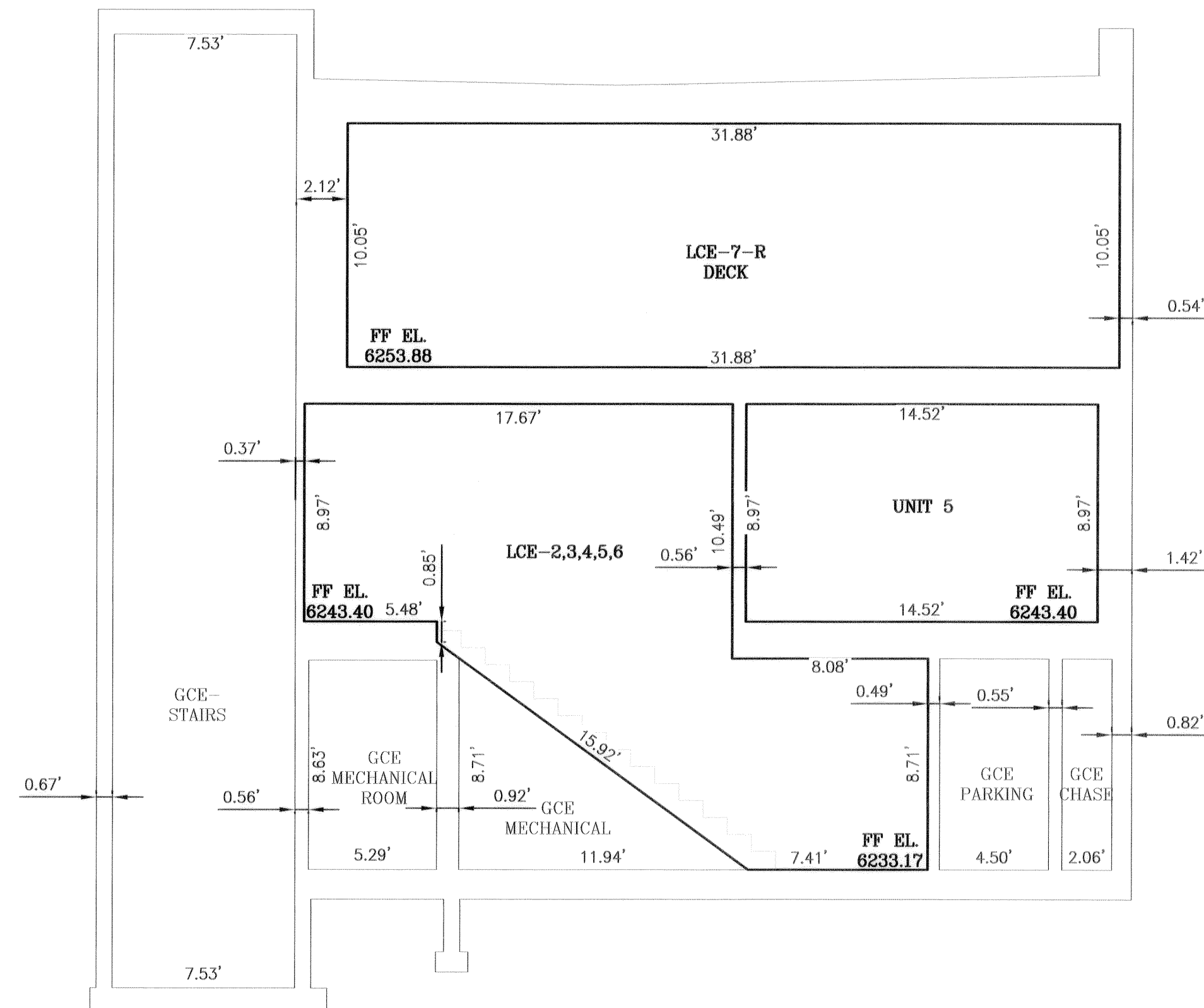
SECTION A
SCALE: 1" = 5'



SECTION B
SCALE: 1" = 5'



SECTION C
SCALE: 1" = 5'



SECTION D
SCALE: 1" = 5'

1308

177 CENTER STREET CONDOMINIUMS Addition to the Town of Jackson

a subdivision of Lot 11, W.W. Smith Addition
Second Filing
to the Town of Jackson
Plat No. 769
located within the
SW 1/4 SW 1/4, Section 27,
T41N, R116W, 6th P.M.,
Town of Jackson,
Teton County, Wyoming

DRAWING NO	JOB TITLE	DRAWING TITLE	DATE	REV.
4 of 4	177 CENTER STREET CONDOMINIUMS ADDITION TO THE TOWN OF JACKSON	FINAL PLAT SECTION VIEWS	6/13/11	7/26/11
JOB NO	11-035-01	Nelson Engineering P.O. BOX 1599, JACKSON WYOMING (307) 733-2087	SURVEYED	NE
			ENGINEERED	SK
			DRAWN	MJQ
			CHECKED	APPROVED