



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** April 4, 2019

Staff Contact: Darren Schulz

Agenda Title: For Possible Action: Discussion and possible action on Resolution No. 2019-____, superseding and revoking Resolution No. 1971-R-5, which outlines the maintenance agreement between Carson City and Douglas County whereby Carson City maintains a portion of Center Drive within Douglas County. (Lucia Maloney, Lmaloney@carson.org)

Staff Summary: Resolution No. 1971-R-5 was adopted in 1971 to formalize the maintenance responsibilities of Center Drive, which were assumed by Carson City at its sole cost. As proposed, the adoption of Resolution No. 2019-____ will supersede and revoke Resolution No. 1971-R-5 and revert responsibilities of repair, maintenance, and upkeep of Center Drive within Douglas County back to Douglas County.

Agenda Action: Formal Action / Motion **Time Requested:** 10 minutes

Proposed Motion

I move to adopt Resolution No. 2019-____

Board's Strategic Goal

Efficient Government

Previous Action

Resolution No. 1971-R-5 was adopted on March 5, 1971 (attached).

Background/Issues & Analysis

Resolution No. 1971-R-5 was established in 1971 between Carson City and Douglas County. The resolution formalized the maintenance responsibilities of Center Drive, which were assumed by Carson City, at its sole cost, due to the road's proximity to Carson City and that the road was the only road available to Carson City residents residing along the Carson City side of Center Drive, just east and north of Douglas County. Since 1971, that area has undergone significant development, and Center Drive is no longer the only road available to those Carson City residents. Resolution No. 2019-____ will supersede and revoke Resolution No. 1971-R-5. It will revert responsibilities of repair, maintenance, and upkeep of Center Drive within Douglas County back to Douglas County. Further, it is no longer in the City's financial interest to continue to maintain this portion of roadway, which is used by residents of Carson City and Douglas County alike.

Carson City staff have reached out to their counterparts in Douglas County, both at the Public Works and Deputy District Attorney levels, and have not received objections to this proposed action and Resolution.

The Board of Supervisors must adopt the proposed Resolution to supersede and revoke Resolution No. 1971-R-5, to revert maintenance responsibilities of Center Drive within Douglas County back to Douglas County.

Attachments:

- 1. Resolution No. 2019-_____
- 2. Resolution No. 1971-R-5

Applicable Statute, Code, Policy, Rule or Regulation

N/A

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Street Maintenance, Salaries and Benefits / 256-3038-430-xx-xx; Street Maintenance, Street Repair / 256-3038-431.04-80; Street Maintenance, Street Sealing / 256-3038-431.04-87; Stormwater, Salaries and Benefits / 505-3702-437.xx-xx

Is it currently budgeted? Yes

Explanation of Fiscal Impact: City staff stretches limited roadway maintenance and stormwater funding as far as possible; however, more work exists than can be accomplished at current funding levels. Adoption of the proposed resolution will allow street maintenance and stormwater staff to attend to other roadways.

Alternatives

- Not adopt the proposed Resolution.
- Provide alternative direction to City staff.

Attachments:

[CenterDrive_Resolution clean.docx](#)

[1.249 center drive on blm land in douglas co.pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

RESOLUTION NO. 2019-____

A RESOLUTION SUPERSEDING AND REVOKING RESOLUTION 1971-5-R TO REVERT RESPONSIBILITIES FOR REPAIR, MAINTENANCE, AND UPKEEP OF CENTER DRIVE WITHIN DOUGLAS COUNTY BACK TO DOUGLAS COUNTY.

WHEREAS, for many years the residents of Carson City residing in the vicinity of the southern boundary of Carson City with Douglas County, east and north of Douglas County, and south of Snyder Avenue have used an existing public road known as Center Drive; and

WHEREAS, through Resolution No. 1971-R-5 Carson City, at its sole cost, agreed to maintain a portion of Center Drive within Douglas County, more specifically stated as “from a point at the intersection of ‘Center Drive’ and the east-west boundary of Carson City and Douglas County to a point at the intersection of ‘Rabe Way’ and the north-south boundary of the Carson City and Douglas County line”; and

WHEREAS, at the time that Resolution No. 1971-R-5 was adopted, a portion of Center Drive in Douglas County was the only road available to said Carson City residents to access their properties; and

WHEREAS, the development of the area has resulted in Center Drive no longer being the only road available to said Carson City residents for ingress and egress to their properties; and

WHEREAS, the repair, maintenance, and upkeep of said portion of Center Drive is no longer in the financial interest of the residents of Carson City and responsibilities for repair, maintenance, and upkeep of the portion of Center Drive within Douglas County should be reverted to Douglas County; and

WHEREAS, Resolution No. 1971-R-5 stated that Carson City would maintain said portion of Center Drive “until this Resolution is revoked” by the Board of Supervisors.

NOW THEREFORE, the Carson City Board of Supervisors do hereby resolve to supersede and revoke Resolution No. 1971-R-5.

ADOPTED this ____ day of ____, 2019.

AYES: Supervisors _____

NAYS: Supervisors _____

ABSENT: Supervisors _____

ROBERT CROWELL, Mayor

ATTEST:

AUBREY ROWLATT, Carson City Clerk-Recorder

Dennis



United States Department of the Interior

IN REPLY REFER TO

2800
(N-033)

BUREAU OF LAND MANAGEMENT
District Office
1050 E. William, Suite 335
Carson City, Nevada 89701

April 1, 1981

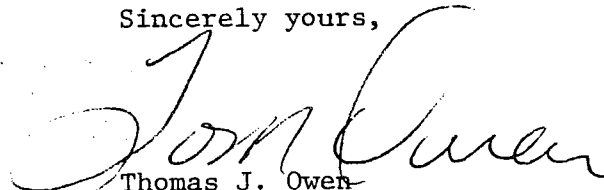
Carson City Planning Department
2621 Northgate Lane
Carson City, Nevada 89701

Gentlemen:

The purpose of this letter is to clarify the legal status of Center Drive in Douglas County near the southwest part of Carson City. Center Drive, from Rabe Way to Topsy Lane, is located on lands administered by the Bureau of Land Management and presently under lease to the Nevada State Museum. The Bureau of Land Management considers this a public road, built under the now repealed authority of R.S. 2477, and not subject to closure by the Bureau of Land Management or any of its lessees. If the lands should be transferred from federal ownership, an easement for Center Drive will be reserved in the patent.

It should be noted, however, that pursuant to the regulations of 43 CFR 2800, local government should file a map prior to July 31, 1983, depicting all such public roads so that the public land records can be properly noted. This would include Center Drive.

Sincerely yours,



Thomas J. Owen
District Manager

Enclosure:
Circular No. 2468

cc:
Douglas County, Department of Public Works ✓
Nevada State Museum
State Office for enclosure in Case File N-12656

RECEIVED

APR 06 1981

DOUGLAS CO. PLANNING DEPT.

M E M O R A N D U M

To: Mr. Tim Homann, City Engineer
From: Silver State Consultants
Subject: Parcel Map # 1510
Date: February 20, 1998

As follow up to our earlier conversation regarding Parcel Map #1510, a portion of which is located along Center Drive, we have attached the documentation gathered during our research of the issue of the status of Center Drive:

1. The April 1, 1981 letter from the Bureau of Land Management states that the land as administered under the BLM is a public road,
2. The March 5, 1971 Resolution No. 1971-R-5 outlining the maintenance agreement between Carson City and Douglas County,
3. A Preliminary Title Report dated December 18, 1997 for the subject parcel indicates that the existing public right of way is Center Drive.

Does the fact that the two building permits granted for the existing parcel (CCPW 95-874) both have existing drive ways which come off of Center Drive and that they have been issued allow the owner any grace period form the issue of improving the frontage of Center Drive? At this time the owner is removing Parcel 4 from the original map such that Parcel 3 will be a 13.22 acre remainder piece. Technically access to the remainder piece could be Race Track Road. The reason that Parcel 4 was removed is due to the position of the Utility Division that water and sewer would have to be brought in from Bigelow Drive to serve the proposed one acre Parcel 4.

We have met Douglas County Engineer Eric Teitelman and his staff recently, and after reviewing the information, his only concern was that an encroachment permit be obtained from Douglas County prior to an work being performed. He indicated that the improvements required would be determined by Carson City due to the fact Carson City maintains the roadway.

Once you have had a chance to review this information, please call me at your earliest convenience so that we may discuss this matter. Thank you for addressing this issue and your assistance is resolving what will be required to record the parcel map.

COUNTY CARSON CITY
COUNTY DOUGLAS

B.I.A.

B.I.A.

Marie Eick

CCRL →

Otto Switz

William Dunning



INDICATES
RELOCATED
ROAD

DOUGLAS
CARSON

9-31-

1 RESOLUTION NO. 1971-R-5

2
3 WHEREAS, for many years prior hereto the residents of
4 Carson City residing in the vicinity of the southern boundary
5 of Carson City and Douglas County, East of Highway 395 and South
6 of Stewart, have used an existing public road along and over
7 private lands and connecting up with what is known as "Center
8 Drive"; and

9 WHEREAS, said public road has now been relocated through
10 the use of private funds to a location West of and parallel to
11 the former road, and is now situate upon and over the public
12 domain on lands vested in the United States Bureau of Land
13 Management; and

14 WHEREAS, the prior establishment and maintenance of said
15 road was necessary as the only road available to the residents of
16 Carson City residing South of the intersection of "Center Drive"
17 and the boundary between Douglas County and Carson City as
18 presently located; and

19 WHEREAS, the repair, maintenance, and upkeep of said road,
20 60 feet in width, as now located, along and over the public
21 domain from a point at the intersection of "Center Drive" and
22 the east-west boundary of Carson City and Douglas County to a
23 point at the intersection of "Rabe Way" and the North-South
24 boundary of the Carson City and Douglas County line, as shown
25 on the plat annexed hereto, is necessary to provide a means
26 of ingress and egress for those Carson City residents residing
27 in the vicinity of the Southern boundary of Carson City and
28 Douglas County;

29 NOW, THEREFORE, BE IT RESOLVED, that the Carson City Board
30 of Supervisors shall hereafter, and until this Resolution is
31 revoked, maintain and repair said road, at its expense, along
32

1 plat attached hereto, marked Exhibit "A", which is made a part
2 hereof.

3 Dated this 5th day of March, 1971.

4 PROPOSED on the 5th day of March, 1971, by
5 Supervisor Moder.

6 PASSED on the 5th day of March, 1971.

7 VOTE:

8 AYES: Mayor Scrivner, Supervisors Gold,
9 Criteser, Moder, and Gostachalt

10 _____
11 _____
12 _____
13 NAYES: None

14 _____
15 ABSENT: None

16 _____
17 Eugene M. Scrivner
18 Eugene M. Scrivner
Mayor, Carson City, Nevada

19 ATTEST:
20 _____
21 Wendell G. Smith
22 Carson City Clerk

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01
Robert Fry, a University of Nevada student, was present to ask the Board permission to use 26 voting machines for upcoming student elections. He also mentioned purchasing unused ballots from the Clerk's office. The student body will be responsible for any damage to the machines.

Supervisor Meder moved to allow the University of Nevada to borrow and to use 26 voting machines.

Seconded by Supervisor Gold.

Motion carried.

CENTER DRIVE - Resolution No. 1971-R-5 (625)

Engineer Rankin explained the curve on Center Drive has been taken out and the grading has been completed.

There was some discussion on the accessibility to Marie Riehl's property. Engineer Rankin stated that she still has access.

Supervisor Meder moved that Resolution No. 1971-R-5 accepting the maintenance of Center Drive be approved.

Seconded by Supervisor Criteser.

Motion carried.

RESOLUTION NO. 1971-R-5

WHEREAS, for many years prior hereto the residents of Carson City residing in the vicinity of the southern boundary of Carson City and Douglas County, East of Highway 395 and South of Stewart, have used an existing public road along and over private lands and connecting up with what is known as "Center Drive"; and

WHEREAS, said public road has now been relocated through the use of private funds to a location West of and parallel to the former road, and is now situate upon and over the public domain on lands vested in the United States Bureau of Land Managements; and

WHEREAS, the prior establishment and maintenance of said road was necessary as the only road available to the residents of Carson City residing South of the intersection of "Center Drive" and the boundary between Douglas County and Carson City as presently located; and

WHEREAS, the repair, maintenance, and upkeep of said road, 60 feet in width, as now located, along and over the public domain from a point at the intersection of "Center Drive" and the east-west boundary of Carson City and Douglas County to a point at the intersection of "Rabe Way" and the North-South Boundary of the Carson City and Douglas

Book 1
C.C. Bd of Supervisors

Page 337.

Minutes of
3-5-71

Rusty

'81 MAR 25 PM 2 32

CARSON CITY
PUBLIC WORKS

County line, as shown on the plat annexed hereto, is necessary to provide a means of ingress and egress for those Carson City residents residing in the vicinity of the Southern boundary of Carson City and Douglas County;

NOW, THEREFORE, BE IT RESOLVED, that the Carson City Board of Supervisors shall hereafter, and until this Resolution is revoked, maintain and repair said road, at its expense, along and over the public domain in Douglas County, as shown on the plat attached hereto, marked Exhibit "A", which is made a part hereof.

Dated this 5th day of March, 1971.

PROPOSED on the 5th day of March, 1971, by Supervisor Meder.

PASSED on the 5th day of March, 1971.

VOTE:

AYES: Mayor Scrivner, Supervisors Gold, Criteser, Meder,
Gottschalk

NAYES: None

ABSENT: None

ATTEST: -

/s/ DR. EUGENE M. SCRIVNER
 Eugene M. Scrivner
 Mayor, Carson City, Nevada

/s/ VAUGHN L. SMITH
 Carson City Clerk

MEDICAL INDIGENCY ORDINANCE - Bill No. 18, Ordinance No. 1971-2 (719)

Attorney Crow stated the corrections mentioned at the previous meeting were made and Section 5 providing for "Hearings for Applicants" was added.

Mayor Scrivner read the ordinance for the first time by title, "An Ordinance Providing Rules and Procedures for the Relief of all Persons Who are Medical Indigents or Subjects of Charity at the Carson-Tahoe Hospital; and Providing for the Adoption of Criteria and