

Item # 12B

**City of Carson City
Agenda Report**

Date Submitted: June 12, 2007

Agenda Date Requested: June 21, 2007

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Planning Division, Development Services

Subject Title: Action to approve an application for an Abandonment of Public Right-of Way from Greg Phillips of Tri State Surveying (property owners: Matlavage 2004 Family Trust and Ronald & Marsha Burgess) to abandon a 20 foot wide portion of public right-of-way on the east side of Pinion Hills Drive along the entire block between Camus Road and Elymus Road on property zoned Single Family One Acre (SF1A) located at 2149 & 2249 Pinion Hills Drive, APN's 010-104-01 and 010-104-03, and for the Mayor to sign the Order of Abandonment. (File AB-07-51)

Staff Summary: This abandonment would result in each adjacent property owner receiving an additional 20 feet of property along their entire parcel frontage on Pinion Hills Drive.

Type of Action Requested:

- Resolution
- Formal Action/Motion
- Ordinance
- Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval May 30, 2007 by the Carson City Planning Commission by a vote of 7 ayes and 0 nays.

RECOMMENDED BOARD ACTION: I move to approve the application for an Abandonment of Public Right-of Way from Greg Phillips of Tri State Surveying (property owners: Matlavage 2004 Family Trust and Ronald & Marsha Burgess) to abandon a 20 foot wide portion of public right-of-way on the east side of Pinion Hills Drive along the entire block between Camus Road and Elymus Road on property zoned Single Family One Acre (SF1A) located at 2149 & 2249 Pinion Hills Drive, APN's 010-104-01 and 010-104-03, subject to the conditions of approval, and for the Mayor to sign the Order of Abandonment.

Explanation for Recommended Board Action: The Board of Supervisors has the authority to approve all abandonment applications pursuant to CCMC Chapter 17, and NRS 278.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Chapter 17 and NRS 278

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer back to the Planning Commission for further review, or, 2) Deny the abandonment.

Supporting Material: Case Record
Staff Report
Order of Abandonment

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By: Walter Sullivan Date: 6-12-07
(Walter Sullivan, Planning & Community Development)
Larry Werner Date: 6-12-07
(Larry Werner, Development Services Director/City Engineer)
Linda Ritter Date: 6-12-07
(Linda Ritter, City Manager)
[Signature] Date: 6-12-07
(District Attorney's Office)

Board Action Taken:

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

(Vote Recorded By)

**CARSON CITY PLANNING COMMISSION
CASE RECORD**

MEETING DATE: May 30, 2007

AGENDA ITEM NO.: H-2

APPLICANT(S) NAME: Greg Phillips of Tri State Surveying

FILE NO.: AB-07-051

PROPERTY OWNER(S): Matlavage 2004 Family Trust and Ronald & Marsha Burgess

ASSESSOR PARCEL NO(S): APNs 010-104-01 and 010-104-03

ADDRESS: 2149 & 2249 Pinion Hills Drive

APPLICANT'S REQUEST: Action to consider an application for an Abandonment of Public Right-of-Way to abandon a 20 foot wide portion of public right-of-way on the east side of Pinion Hills Drive along the entire block between Camus Road and Elymus Road on property zoned Single Family One Acre (SF1A).

COMMISSIONERS PRESENT: PEERY VANCE SEMMENS
 BISBEE MULLET REYNOLDS KIMBROUGH

STAFF REPORT PRESENTED BY: Walter Sullivan

REPORT ATTACHED

STAFF RECOMMENDATION: CONDITIONAL APPROVAL

DENIAL

APPLICANT REPRESENTED BY: Greg Phillips, Tri State Surveying

 1 APPLICANT/AGENT
PRESENT

 1 APPLICANT/AGENT
SPOKE

 APPLICANT/AGENT
NOT PRESENT

 APPLICANT/AGENT
DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

 0 PERSONS SPOKE IN FAVOR OF THE PROPOSAL 0 PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

MOTION WAS MADE TO RECOMMEND APPROVAL:

- WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT
- WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED
- WITH THE FINDINGS AND CONDITIONS OF THE COMMISSION ENUMERATED ON THIS CASE RECORD

MOVED: Semmens SECOND: Vance PASSED: 7 /AYE 0 /NO /DQ /ABSENT /ABSTAINED

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: 6-21-07

H:\IPC\2007\Case Records\AB-07-051 5-30-07.wpd

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF MAY 30, 2007

FILE NO: AB-07-051

AGENDA ITEM:

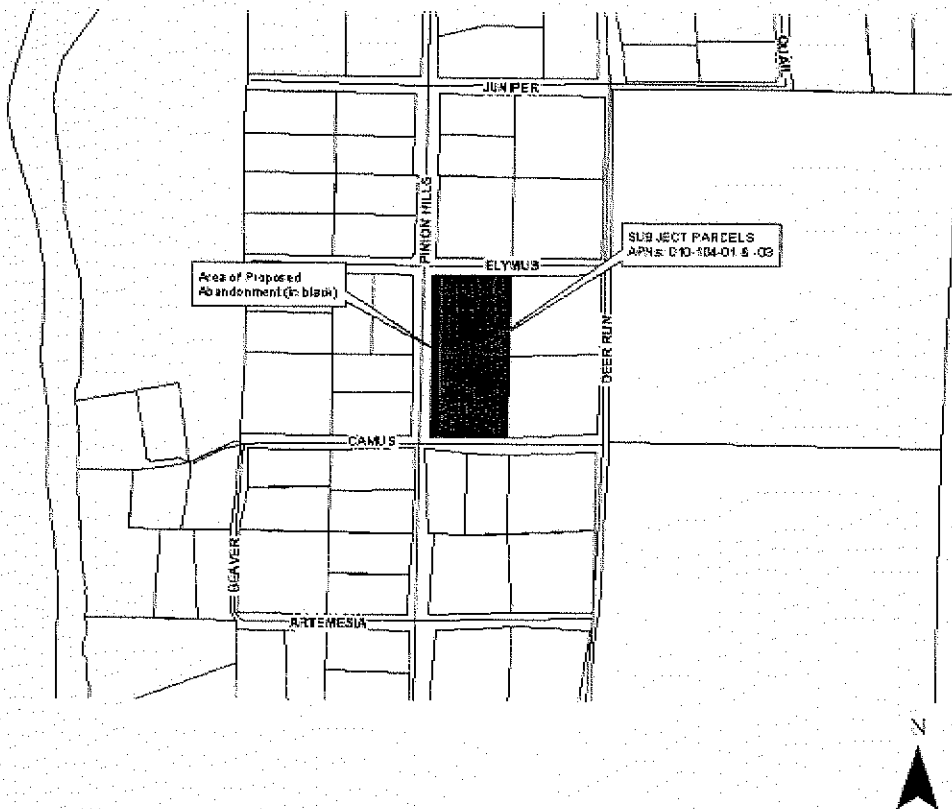
STAFF AUTHOR: Kathe Green, Assistant Planner

APPLICANT: Greg Phillips (Tri State Surveying)

OWNERS: Marsha R. Burgess and Matlavage 2004 Family Trust

REQUEST: Abandonment of a 20 foot wide portion of Pinion Hills Drive, a public right-of-way, being a 12,024 square foot area, more or less, located east of Pinion Hills Drive, south of Elymus Road and north of Camus Road, adjacent to APNs 010-104-01 and 010-104-03, within the Single Family 1 Acre (SF1A) zoning district.

RECOMMENDED MOTION: "I move to recommend that the Board of Supervisors approve an abandonment of public right-of-way application AB-07-051 from Greg Phillips of Tri State Surveying, representing the adjacent property owners, for a portion of a public right-of-way known as Pinion Hills Drive, being a 12,024 square foot area, more or less, located east of Pinion Hills Drive, south of Elymus Road and north of Camus Road, and adjacent to APNs 010-104-01 and 010-104-03, based on seven findings and subject to the conditions of approval contained in the staff report."



RIGHT-OF-WAY ABANDONMENT RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further considerations. (This Notice of Decision will be mailed to you for your signature after approval by the Board of Supervisors).
2. The applicant shall provide all required documents and exhibits to dedicate new public utility easements outside of the new right-of-way lines if requested by an affected utility. Dedication documents and exhibits shall be submitted and approved by the City prior to recordation of the abandonment of public right-of-way.
3. The applicant must provide all correct legal descriptions, surveying information and documentation necessary for recording of this abandonment of right-of-way.
4. This abandonment pertains to:
 - APN: 010-104-01: The area of the proposed abandonment adjacent to this parcel is 6,012 square feet, more or less, being east of Pinion Hills Drive and north of Camus Road.
 - APN: 010-104-03: The area of the proposed abandonment adjacent to this parcel is 6,012 square feet, more or less, being east of Pinion Hills Drive and south of Elymus Road.
5. As utilities have easements in the right-of-way proposed to be abandoned, an easement shall be recorded to allow for these reservations to be continued. A public utilities easement (PUE), 10 feet in width shall be created along the westerly boundary of the proposed abandonment, resulting a 10 foot PUE along the street frontage of the subject parcels.

LEGAL REQUIREMENTS: NRS 278.480 (Vacation or Abandonment of Streets, Easements or Maps; Reversion of Divided Land).

MASTER PLAN DESIGNATION: Low Density Residential (LDR)

PRESENT ZONING: Single Family 1 Acre (SF1A)

KEY ISSUES: Will the City or public be materially injured by the approval of subject abandonment? Will the abandonment of this street deny access to any parcels?

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: Single Family 1 Acre (SF1A)/Residential
SOUTH: Single Family 1 Acre (SF1A)/Residential
EAST: Single Family 1 Acre (SF1A)/Residential
WEST: Single Family 1 Acre (SF1A)/Residential

DISCUSSION:

The request is to allow the abandonment of a 20 foot wide by 300.62 portion attached to two parcels along Pinion Hills Drive, between Elymus Road and Camus Road, on the east sign of the roadway. The total area of the proposed abandonment is approximately 6,012 on each parcel, for a total of approximately 12,024 square feet. The Development Engineering Division recommends a condition of approval that the easement be retained along that portion of the right-of-way being abandoned in order to provide access for utilities and this is included in the recommended conditions of approval. The utility companies have indicated that they wish to retain the present location. Three utility companies, Sierra Pacific Power Company, AT&T Nevada (SBC) and Charter Communication have indicated that they have utilities in the right-of-way proposed to be abandoned and want these reservations to be continued. A condition of approval reflects this position. Southwest Gas Corporation does not have any utilities in the right-of-way area proposed to be abandoned.

The subject right-of-way adjacent to APN 010-104-01 was dedicated by the recordation of a document for The United States of America, Certificate of the Land Office at Reno, Nevada for Raymond Plunkett under provisions of the Act of Congress approved June 1, 1938 entitled "An Act to provide for the purchase of public lands for home and other sites" and also states: "The patent is subject to a right-of-way not exceeding 50 feet in width, for roadway and public utilities purposes to be located along the north and west boundaries of said land." The patent number is 1230361. The document was recorded on January 24, 1964 at Book 17, Page 427. The original parcel was 2.50 acres in size.

The subject right-of-way adjacent to APN 010-104-03 was dedicated by the recordation of a document for The United States of America, Certificate of the Land Office at Reno, Nevada for John F. Harrington under provisions of the Act of Congress approved June 1, 1938 entitled "An Act to provide for the purchase of public lands for home and other sites" and also states: "The patent is subject to a right-of-way not exceeding 50 feet in width, for roadway and public utilities purposes to be located along the north and west boundaries of said land." The patent number is 1230362. The document was recorded on February 13, 1963 at Book 7, 058. The original parcel was 2.50 acres in size.

The remaining right-of-way area would be 60 feet in width after the approval of the proposed abandonment, providing an adequate width for travel in this area.

A notification was received from Rory Hogen in the Development Engineering Division that the proposal is acceptable to Carson City Engineering.

RIGHT-OF-WAY ABANDONMENT FINDINGS: In accordance with the policy for right-of-way abandonments adopted by the Board of Supervisors on October 1, 1998, the staff's recommendation is based upon the following findings which are substantiated in the public record.

1. Will the public be materially injured or not?

The public will not be materially injured by the abandonment, since, with the recommended conditions of approval, no parcel of land will lose access to a public right-of-way as a result of this abandonment.

2. Whether the street was dedicated or not?

This area was a patent governmental subdivision. The first parcel adjacent right-of-way was dedicated by the recording of a document for The United States of America for Raymond Plunkett, Book 17, Page 427, recorded January 24, 1964 for the property owned by Matlavage 2004 Family Trust. The second parcel adjacent right-of-way was dedicated by the recording of a document for The United States of America for John F. Harrington, Book 7, Page 058, recorded February 13, 1963 for the property owned by Marsha Burgess. Since Carson City did not pay for the right-of-way, it is staff's conclusion that no charge for the right-of-way can be required.

3. What should the reasonable consideration be if the street was not dedicated?

Since the right-of-way was dedicated by the recording of a Dedication document in Book 17, Page 427 recorded January 24, 1964, and in Book 7, Page 058 recorded February 13, 1963, it is recommended that no charge be required with this abandonment, pursuant to NRS 278.480.

4. If an abandonment has a public benefit, how much of the public benefit should be offset against the termination of reasonable consideration?

No charge for this abandonment is recommended. Therefore, this item does not apply to this abandonment.

5. Applicability of the parking value analysis applied to this request.

This item is not applicable to the proposed abandonment, since the abandonment is not located within the downtown area.

6. *Should utilities easements be reserved, continued or vacated?*

As demonstrated by the attached signatures of utility companies on the release form, three utilities companies (Sierra Pacific Power Company, AT&T Nevada or SBC and Charter Communications) have utilities in or near the right-of-way proposed to be abandoned and want these reservations to be continued. Southwest Gas Corporation does not have any utilities in the right-of-way. A recommended condition of approval stipulates the requirement to continue to provide a public utility easement in this location.

7. *Imposition of any condition of approval by the Board of Supervisors or recommended by the Planning Commission or staff.*

Staff recommends conditions of approval which relate to the responsibility of the applicant to provide all necessary documentation in order to fully complete the abandonment process.

PUBLIC COMMENTS: Public notices were sent by certified mail to the seven adjacent property owners per NRS. At the writing of this report no comments have been received either in favor or opposition to the proposal.

AGENCY COMMENTS: See attached comments.

Building Division: No comment.

Fire Division: No comment.

Engineering Division:

1) A public utilities easement (PUE), 10 feet in width shall be created, along the westerly boundary of the proposed abandonment, resulting in a 10 foot PUE along the street frontage of the subject parcels.

2) The applicant must provide all legal descriptions, surveying information and documentation necessary for the recording of this action.

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DIVISION

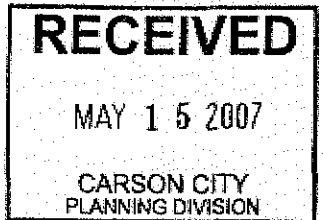


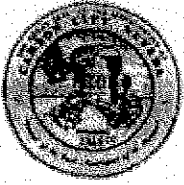
Kathe Green, Assistant Planner

Attachments

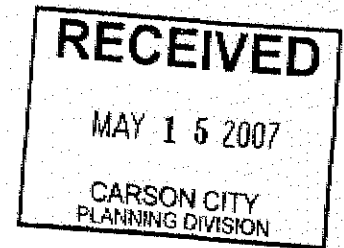
File #	<i>AB 07-051</i>
Description	<i>20'-0" road abandonment</i>
Address	<i>2149 & 2249 Pinion Hills Dr</i>
Date	<i>May 14, 2007</i>

1. Based on the plans provided, the Carson City Building Division has no comment on this application





MEMORANDUM



DATE: May 15, 2007
TO: Kathe Green – Planning
FROM: Tom Grundy – Engineering *TG*
RE: AB 07-051 2149, 2249 Pinion Hills Dr.
Engineering Text for Planning Commission Staff Report

The following text is offered for inclusion in the Planning Commission staff report for the above referenced right of way abandonment:

SUBJECT TITLE: Request to allow the following abandonment:

1. A 20 foot wide strip on the east side of Pinion Hills Drive along the entire block between Camus Road and Elymus Road adjacent to property zoned Single Family One Acre (SF1A) located at 2149 & 2249 Pinion Hills Drive, APNs 010-104-01 and 010-104-03.

RECOMMENDATION: Development Engineering takes no exception to the proposed abandonments, subject to the following conditions of approval:

1. A public utilities easement (PUE), 10 feet in width shall be created, along the westerly boundary of the proposed abandonment, resulting in a 10 foot PUE along the street frontage of the subject parcels.
2. The applicant must provide all legal descriptions, surveying information and documentation necessary for the recording of this action.

DISCUSSION: Development Engineering has reviewed the request within our areas of purview relative to adopted standards and practices. The following discussion is offered.

1. Utilities: There are no water or sewer facilities at the present time near the proposed abandonment. Storm drain is presently accomplished via surface flow and will not be affected by the proposed abandonment. Creation of an easement is consistent with Division 18, and will allow for future utilities.
2. Circulation/Traffic: The proposed abandonments will not adversely impact existing street sections, traffic or circulation.

Carson City Planning Division
2621 Northgate Lane, Suite 62 • Carson City NV 89706
Phone: (775) 887-2180 • E-mail: plandep@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

RECEIVED
MAR 29 2007
CARSON CITY
PLANNING DIVISION

FILE # AB - 07 - **AB - 07 - 051**

ABANDONMENT OF
PUBLIC RIGHT-OF-WAY
FEE: \$700.00 + noticing fee

PROPERTY OWNER

Marsha R. Burgess
MAILING ADDRESS, CITY, STATE, ZIP
2249 Pinion Hills Dr, CC, NV, 89701
PHONE # 882-7600 FAX # NA

SUBMITTAL PACKET

- G Application Form
- G 26 Completed Application Packets (1 Original + 25 Copies)
- G Legal Description
- G Site Map
- G Utility Statements (original)
- G Documentation of taxes paid to date
- G Chain of Title or Title Report for subject parcel showing how right of way was originally dedicated
- G Complied with notes below.*

E-MAIL ADDRESS

NA
Name of Person to Whom All Correspondence Should Be Sent
APPLICANT/AGENT

Greg Phillips - Tri State Surveying
MAILING ADDRESS, CITY, STATE ZIP
425 East Long St. Carson City 89706
PHONE # 887-9911 FAX # 887-9915
E-MAIL ADDRESS GPHILLIPS@TRISTATELTD.COM

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Project's Assessor Parcel Number(s):

10-104-01+03

Street Address

2149 + 2249 Pinion Hills Dr. ZIP Code
89701

Briefly describe location, width and length of the proposed abandonment: 20' wide strip on the East side of Pinion Hills Drive along the entire Block between Camus Road + Elymus Road

JUSTIFICATION: Explain why the request is being made, if the subject right-of-way was ever dedicated to Carson City, when and by whom, and why the abandonment will not damage any adjacent properties:

See attached justification

If you are abandoning an access, explain how the parcel will be accessed:

PROPERTY OWNER'S AFFIDAVIT

I, Marsha R. Burgess, being duly sworn, do hereby affirm that I am the record owner of the subject property, and the information herewith submitted is in all respects true and correct to the best of my knowledge.

Signature: Marsha R. Burgess Address: 2249 Pinion Hills Dr. CC, NV Date: 3/22/07

Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY Douglas

On March 22nd, 2007, Marsha Burgess, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Lindsay M. Dugas
Notary Public



LINDSAY M. DUGAS
Notary Public - State of Nevada
Appointment Recorded in Douglas County
No. 06-107403-6 - Expires June 29, 2010

*NOTES: In order to facilitate the processing of your application, prior to submitting your application to the Planning Division, please contact Development Engineering at 2621 Northgate Lane, Suite 6, to ensure that department has no concerns with your application, and take your packet to the Utilities Department for signature. A signed utility statement, a typed legal description, and an 8 1/2 by 11 inch map prepared by a licensed surveyor describing the land to be abandoned are required to be submitted with this application. Please submit detailed and explicit plans, as they will be submitted for review by the Planning Commission and Board of Supervisors, and subsequently recorded.

PRIOR TO AGENDIZING FOR BOARD OF SUPERVISORS, DOCUMENTATION OF TAXES PAID IN FULL FOR THE FISCAL YEAR IS REQUIRED.

12/06

Carson City Planning Division
2621 Northgate Lane, Suite 62 • Carson City NV 89706
Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

FILE # AB - 07 -

PROPERTY OWNER

MARSHA R. BURGESS
MAILING ADDRESS, CITY, STATE, ZIP
2249 PINION HILLS DR., CC, NV, 89701
PHONE # 882-7600 FAX # NA
E-MAIL ADDRESS NA

Name of Person to Whom All Correspondence Should Be Sent

APPLICANT/AGENT

GREG PHILLIPS - Tri State Surveying
MAILING ADDRESS, CITY, STATE, ZIP
425 EAST LONG ST. CARSON CITY 89706
PHONE # 887-9911 FAX # 887-9915
E-MAIL ADDRESS GPHILLIPS@TRISTATELTD.COM

ABANDONMENT OF
PUBLIC RIGHT-OF-WAY

FEE: \$700.00 + noticing fee

SUBMITTAL PACKET

- G Application Form
- G 26 Completed Application Packets
(1 Original + 25 Copies)
- G Legal Description
- G Site Map
- G Utility Statements (original)
- G Documentation of taxes paid to date
- G Chain of Title or Title Report for subject parcel
showing how right of way was originally dedicated
- G Complied with notes below.*

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Project's Assessor Parcel Number(s):

10-104-01 + 03

Street Address

2149 + 2249 PINION HILLS DR. ZIP Code
89701

Briefly describe location, width and length of the proposed abandonment: 20' Wide strip on the East side of Pinion Hills Drive along the entire Block Between Camus Road + Elymus Road

JUSTIFICATION: Explain why the request is being made, if the subject right-of-way was ever dedicated to Carson City, when and by whom, and why the abandonment will not damage any adjacent properties:

See attached justification

If you are abandoning an access, explain how the parcel will be accessed:

PROPERTY OWNER'S AFFIDAVIT

I, PAUL E. MATLAUAGE, being duly deposed, do hereby affirm that I am the record owner of the subject property, and the information herewith submitted is in all respects true and correct to the best of my knowledge

Signature Paul E. Matlausage Address 2149 Pinion Hills Dr. Date 3-19-07

Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY

On March 19th, 2007, Paul E. Matlausage, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Lindsay M. Dugas
Notary Public



LINDSAY M. DUGAS
Notary Public - State of Nevada
Appointed and Recalled in Douglas County
No. 05-107403-5 - Expires 06-10-2008

*NOTES: In order to facilitate the processing of your application, please contact Development Engineering at 2621 Northgate Lane, Suite 6, to ensure that department has no concerns with your application, and take your packet to the Utilities Department for signature. A signed utility statement, a typed legal description, and an 8 1/2 by 11 inch map prepared by a licensed surveyor describing the land to be abandoned are required to be submitted with this application. Please submit detailed and explicit plans, as they will be submitted for review by the Planning Commission and Board of Supervisors, and subsequently recorded.

PRIOR TO AGENDIZING FOR BOARD OF SUPERVISORS, DOCUMENTATION OF TAXES PAID IN FULL FOR THE FISCAL YEAR IS REQUIRED.

12/06



TRI STATE SURVEYING, LTD.

425 East Long Street
Carson City, Nevada 89706-2509
Telephone (775) 887-9911 ♦ FAX (775) 887-9915

Land Information Solutions

**Carson City Development Services
Planning Division
2621 Northgate Lane, Suite #62
Carson City, NV 89706**

February 8, 2007

**Subject: Justification for a Right of Way Abandonment
Marsha Burgess & The Matlavage Family Trust
2249 & 2149 Pinion Hills Drive, A.P.N.'s 10-104-03 & 01
Carson City, NV**

The requested Right of Way Abandonment is a 20' strip of land lying on the easterly side of Pinion Hills Drive along the entire block between Elymus Road to the north and Camus Road to the south. The original government patent states that this property "is subject to a right of way not exceeding 50 feet in width, for roadway and public utilities purposes, to be located along the south and west boundaries of said land". Our goal is to have a 20 foot strip of the 50 foot wide right of way on the west boundary of the 2 subject properties abandoned.

By performing this 20 foot abandonment there would be a remaining 30 foot right of way on the east side of the centerline of Pinion Hills Drive for a total right of way width of 60 feet for this portion of the roadway. This abandonment will be consistent with others that have been prepared along this road and near the subject property. As you will see from the assessors maps and record maps I have included with this letter, a similar abandonment occurred directly on the west side of Pinion Hills Drive on A.P.N. 10-105-09 & 10 as well as to the south (A.P.N. 10-112-06) and north (A.P.N. 10-102-05 & 06).

This abandonment will allow for consistency in the right of way width and will decrease the size of the unnecessarily large existing width.

Sincerely,
Tri State Surveying, Ltd.

Greg Phillips, P.L.S.
Project Manager

UTILITY STATEMENTS FOR ABANDONMENT OF A PUBLIC RIGHT-OF-WAY

LOCATED AT: 2149 + 2249 Pinion Hills Dr. 10-104-01+03, Carson City

(THE LOCATION INCLUDING APN NUMBERS FRONTING THE RIGHT OF WAY MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned.

Signed: [Signature] SOUTHWEST GAS CORP 3/7/07
Signature Company Date

Signed: _____
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire a continuation of said right-of-way in its present location.

Signed: [Signature] SPPC 3/6/07
Signature Company Date

Signed: _____
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): _____

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

Sierra Pacific Power Company
Charter Communication
Carson City Engineering (will sign during review)

Southwest Gas Corporation
SBC Nevada Bell Telephone Company
Carson City Utilities (will sign during review)

UTILITY STATEMENTS FOR ABANDONMENT OF A PUBLIC RIGHT-OF-WAY

LOCATED AT: 2149 + 2249 Pinion Hills Dr. 10-104-01+03 Carson City
 (THE LOCATION INCLUDING APN NUMBERS FRONTING THE RIGHT OF WAY MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned.

Signed: _____
 Signature Company Date

Signed: _____
 Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire a continuation of said right-of-way in its present location.

Signed: [Signature] AT&T Nevada 9/26/07
 Signature Company Date

Signed: [Signature] CHARTER.COM 3/2/07
 Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): _____

Signed: _____
 Signature Company Date

Signed: _____
 Signature Company Date

Signed: _____
 Signature Company Date

Signed: _____
 Signature Company Date

Signed: _____
 Signature Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

Sierra Pacific Power Company
 Charter Communication
 Carson City Engineering (will sign during review)

Southwest Gas Corporation
 SBC Nevada Bell Telephone Company
 Carson City Utilities (will sign during review)



Land Information Solutions

TRI STATE SURVEYING, LTD.

425 E. Long Street
Carson City, Nevada 89706
Telephone (775) 887-9911 ♦ FAX (775) 887-9915
Toll Free: 1-800-411-3752

JN 06393.01.CM

LEGAL DESCRIPTION TO SUPPORT THE ABANDONMENT OF A 20' WIDE RIGHT OF WAY BEING A PORTION OF PINION HILLS DRIVE

A strip of land 20 feet wide located within the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 23, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINING at a point which bears South $28^{\circ}16'28''$ East, a distance of 1465.73 feet from the center corner of Section 23, Township 15 North, Range 20 East, M.D.M., said point lying 30 feet easterly of the centerline of Pinion Hills Drive;

THENCE parallel with the centerline of Pinion Hills Drive North $00^{\circ}09'00''$ West, a distance of 300.62 feet;

THENCE North $89^{\circ}51'55''$ East, a distance of 20.00 feet to a point which lies easterly of the centerline of Pinion Hills Drive 50 feet;

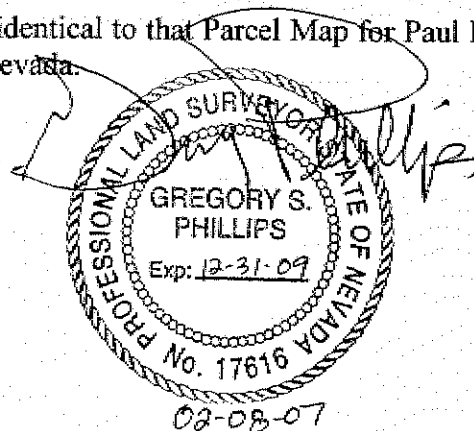
THENCE parallel with the centerline of Pinion Hills Drive South $00^{\circ}09'00''$ East, a distance of 300.62 feet;

THENCE South $89^{\circ}51'56''$ West, a distance of 20.00 feet to the **POINT OF BEGINNING** and the end of this description.

Contains 6,012 Square Feet, more or less.

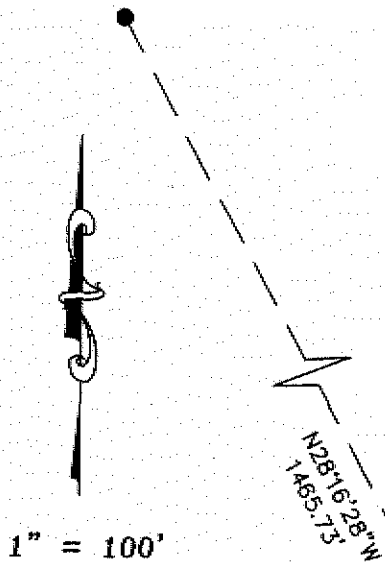
The basis of bearings of this description is identical to that Parcel Map for Paul R. Brooks, Map No. 2125, official records of Carson City, Nevada.

Prepared by Tri State Surveying, Ltd.

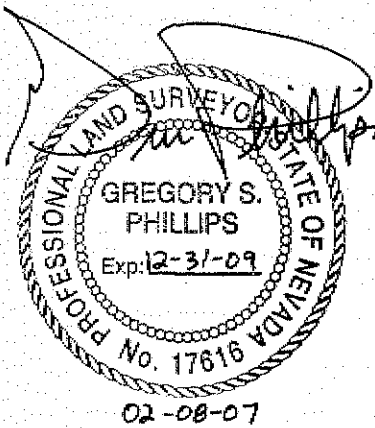


Gregory S. Phillips, PLS
Nevada Certificate No. 17616

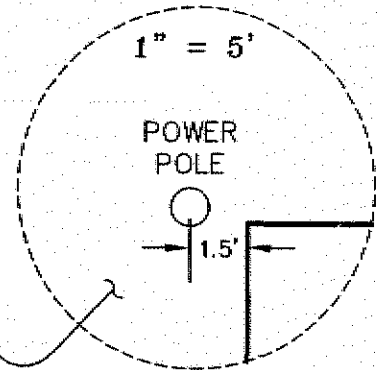
FOUND 1" IRON PIPE, RE 314,
 CENTER SECTION 23 PER
 PARCEL MAP No. 2125
 OFFICIAL RECORDS OF
 CARSON CITY, NEVADA.



1" = 100'



PINION HILLS DRIVE

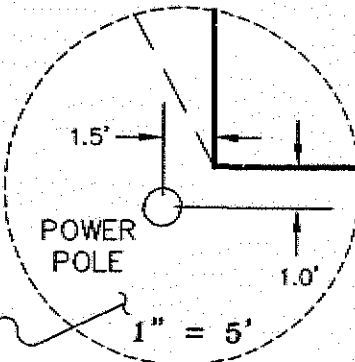


N89°51'55"E
 20.00'

APN
 10-104-01

6,012 SQ.FT.

APN
 10-104-03



S89°51'56"W
 20.00'

CAMUS ROAD

20' P.U.E. PER BOOK 7,
 PAGE 056, TO REMAIN

**EXHIBIT FOR A
 RIGHT OF WAY ABANDONMENT**

A PORTION OF THE SW 1/4 OF THE SE 1/4
 OF THE NW 1/4 OF THE SE 1/4
 OF SECTION 23, T.15N., R.20E., M.D.M.
 A.P.N. 10-104-03, 2249 PINION HILLS DR.
 CARSON CITY, NEVADA



TRI STATE SURVEYING, LTD

425 E. Long Street
 Carson City, Nevada 89706
 (775) 887-9911
 * FAX: (775) 887-9915

Land Information Solutions

JN 06393.01.CM



Land Information Solutions

TRI STATE SURVEYING, LTD.

425 E. Long Street
Carson City, Nevada 89706
Telephone (775) 887-9911 ♦ FAX (775) 887-9915
Toll Free: 1-800-411-3752

JN 06393.01.CM

LEGAL DESCRIPTION TO SUPPORT THE ABANDONMENT OF A 20' WIDE RIGHT OF WAY BEING A PORTION OF PINION HILLS DRIVE

A strip of land 20 feet wide located within the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 23, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINING at a point which bears South 35°00'22" East, a distance of 1208.93 feet from the center corner of Section 23, Township 15 North, Range 20 East, M.D.M., said point lying 30 feet easterly of the centerline of Pinion Hills Drive;

THENCE parallel with the centerline of Pinion Hills Drive North 00°09'00" West, a distance of 300.62 feet;

THENCE North 89°51'54" East, a distance of 20.00 feet to a point which lies easterly of the centerline of Pinion Hills Drive 50 feet;

THENCE parallel with the centerline of Pinion Hills Drive South 00°09'00" East, a distance of 300.62 feet;

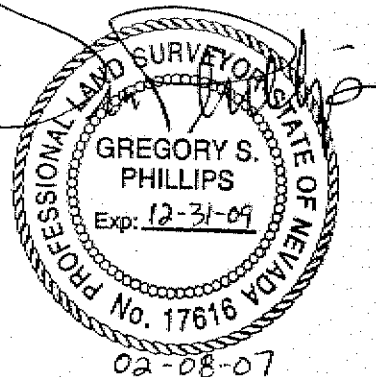
THENCE South 89°51'55" West, a distance of 20.00 feet to the **POINT OF BEGINNING** and the end of this description.

Contains 6,012 Square Feet, more or less.

The basis of bearings of this description is identical to that Parcel Map for Paul R. Brooks, Map No. 2125, official records of Carson City, Nevada.

Prepared by Tri State Surveying, Ltd.

Gregory S. Phillips, PLS
Nevada Certificate No. 17616



FOUND 1" IRON PIPE, RE 314,
 CENTER SECTION 23 PER
 PARCEL MAP No. 2125
 OFFICIAL RECORDS OF
 CARSON CITY, NEVADA.

PINION HILLS DRIVE

ELYMUS ROAD



1" = 100'

N35°00'22"W
 1208.93'

N89°51'54"E
 20.00'

6,012 SQ.FT.

APN
 10-104-01

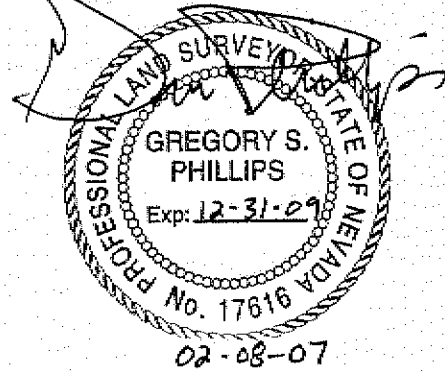
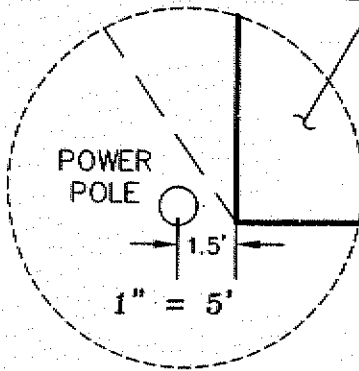
N00°09'00"W 300.62'
 S00°09'00"E 300.62'

60.0'
 80.0'
 P.O.B.

20.0' P.U.E. PER BOOK 17,
 PAGE 427, TO REMAIN

S89°51'55"W
 20.00'

APN
 10-104-03



**EXHIBIT FOR A
 RIGHT OF WAY ABANDONMENT**

A PORTION OF THE NW 1/4 OF THE SE 1/4
 OF THE NW 1/4 OF THE SE 1/4
 OF SECTION 23, T.15N., R.20E., M.D.M.
 A.P.N. 10-104-01, 2149 PINION HILLS DR.
 CARSON CITY, NEVADA



TRI STATE SURVEYING, LTD

425 E. Long Street
 Carson City, Nevada 89706
 (775) 887-9911
 * FAX: (775) 887-9915

Land Information Solutions

JN 06393.01.CM

CLOSURES.txt

Parcel name: 2149

North: 14726477.5659 East : 2306505.5669
Line Course: S 89-51-55 W Length: 20.00
North: 14726477.5189 East : 2306485.5669
Line Course: N 00-09-00 W Length: 300.62
North: 14726778.1379 East : 2306484.7799
Line Course: N 89-51-54 E Length: 20.00
North: 14726778.1850 East : 2306504.7798
Line Course: S 00-09-00 E Length: 300.62
North: 14726477.5660 East : 2306505.5669

Perimeter: 641.25 Area: 6,012 sq. ft. 0.14 acres

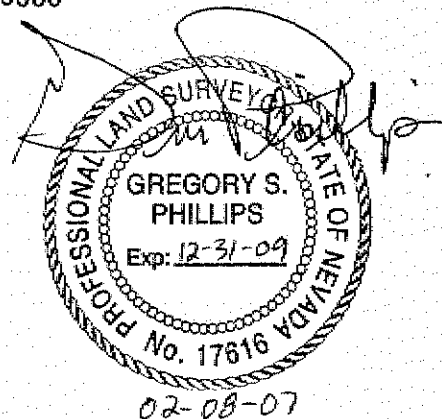
Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0001 Course: N 00-08-05 W
Error North: 0.00010 East : -0.00000
Precision 1: 6,412,400.00

Parcel name: 2249

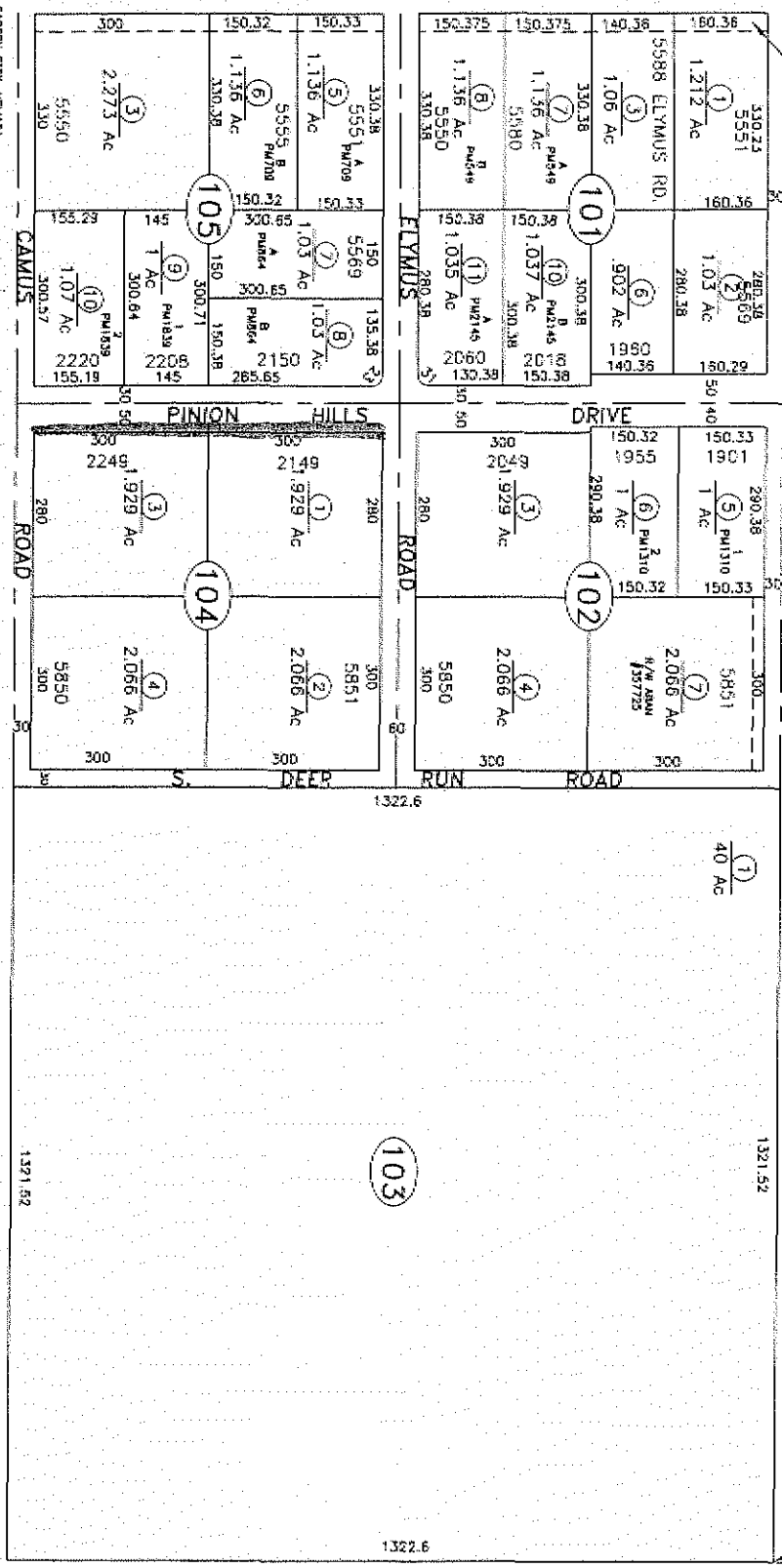
North: 14726176.8953 East : 2306486.3542
Line Course: N 00-09-00 W Length: 300.62
North: 14726477.5143 East : 2306485.5672
Line Course: N 89-51-55 E Length: 20.00
North: 14726477.5613 East : 2306505.5671
Line Course: S 00-09-00 E Length: 300.62
North: 14726176.9423 East : 2306506.3542
Line Course: S 89-51-56 W Length: 20.00
North: 14726176.8954 East : 2306486.3542

Perimeter: 641.25 Area: 6,012 sq. ft. 0.14 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0001 Course: N 00-08-04 W
Error North: 0.00010 East : -0.00000
Precision 1: 6,412,400.00



N1/2 S81/4 SECTION 23, T.15 N., R.20 E., M.D.B. & M.



CENTER SECTION 23
BEAVER LAKE ABANDONED
2/24/84, BK 359 PG 494

JUNIPER

ROAD

ROAD

ROAD

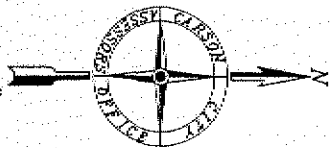
1/4 CORNER

CARSON CITY, NEVADA
ASSUMPTION FOR REASSESSMENT AND LUCRATIVITY
DOLLAR, IT DOES NOT REPRESENT A SURVEY, AND LIABILITY
IS ASSUMED AS TO THE SUFFICIENCY OR ACCURACY OF THE
MAPS AT NO CHARGE FROM OUR OFFICE.
www.carson-city.nv.gov/assessor

NOTE
SOME PARCELS DELINEATED HEREON MAY NOT
BE PRESENTED IN TRUE SIZE, SHAPE, OR LOCATION
DUE TO DISCREPANCIES BETWEEN LOT LINES.

(PINION HILLS)

Scale: 1" = 200'
Revised: 09.26.2006



10-109-01

4-1918
Law 120

Nevada 054372

The United States of America,

To all whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Reno, Nevada, has been issued showing that full payment has been made by the claimant Raymond Plunkett pursuant to the provisions of the Act of Congress approved June 1, 1928 (45 Stat. 600), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following-described land:

Mount Diablo Meridian, Nevada.
T. 15 N., R. 10 E.,
Sec. 23, ~~UNRESERVED~~

The area described contains 2.56 acres, according to the Official Plat of the Survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant, and to the heirs of the said claimant, the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said claimant, and to his heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local custom, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1928. This patent is subject to a right-of-way not exceeding 50 feet in width, for roadway and public utilities purposes to be located along the north and west boundaries of said land.

Filed for Record at Request of
Richard H. H. H. H. H. H.
JAN 24 1964 at 12
Min. Post. 11 o'clock P.M.
Recorded in Book 11
of Official Records
Page 422
Ormsby County, Nevada
County Recorder
By *[Signature]*
File No. 7119
1.2.15
A. L. Hink



In TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 475), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the
TEENTH day of JANUARY in the year of
our Lord one thousand nine hundred and SIXTY-THREE
and of the Independence of the United States the one hundred
and EIGHTY-SEVENTH.

For the Director, Bureau of Land Management,

By *Elizabeth C. Hicks*
Chief, Patent Section

Patent Number 1230361

U.S. GOVERNMENT PRINTING OFFICE: 1954-0-285-000

640 17703 427

10-104-03

4-1888
(AMG 1881)

Nevada 054413

The United States of America,

To all whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at Reno, Nevada, has been issued showing that full payment has been made by the claimant John F. Warrington pursuant to the provisions of the Act of Congress approved June 1, 1888 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for horse and other sites," and the acts supplemental thereto, for the following-described land:

Mount Diablo Meridian, Nevada.
T. 15 N., R. 20 E.,
Sec. 23, ~~WESLEYAN~~

The area described contains 2.50 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therein belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes; and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1888. This patent is subject to a right-of-way not exceeding 50 feet in width for roadway and public utilities purposes, to be located along the south and west boundaries of said land.

John F. Warrington
Received at Reno, Nevada, this 1st day of January, 1963, of the said John F. Warrington, the sum of \$100.00, for the purchase of the above-described land, according to the provisions of the Act of June 1, 1888, and the acts supplemental thereto, and the same is hereby acknowledged.
W. H. S. P.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 178), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TENTH day of JANUARY in the year of our Lord one thousand nine hundred and SIXTY-THREE and of the Independence of the United States the one hundred and EIGHTY-SEVENTH.

For the Director, Bureau of Land Management

By *Elizabeth C. Necker*
Chief Patent Officer

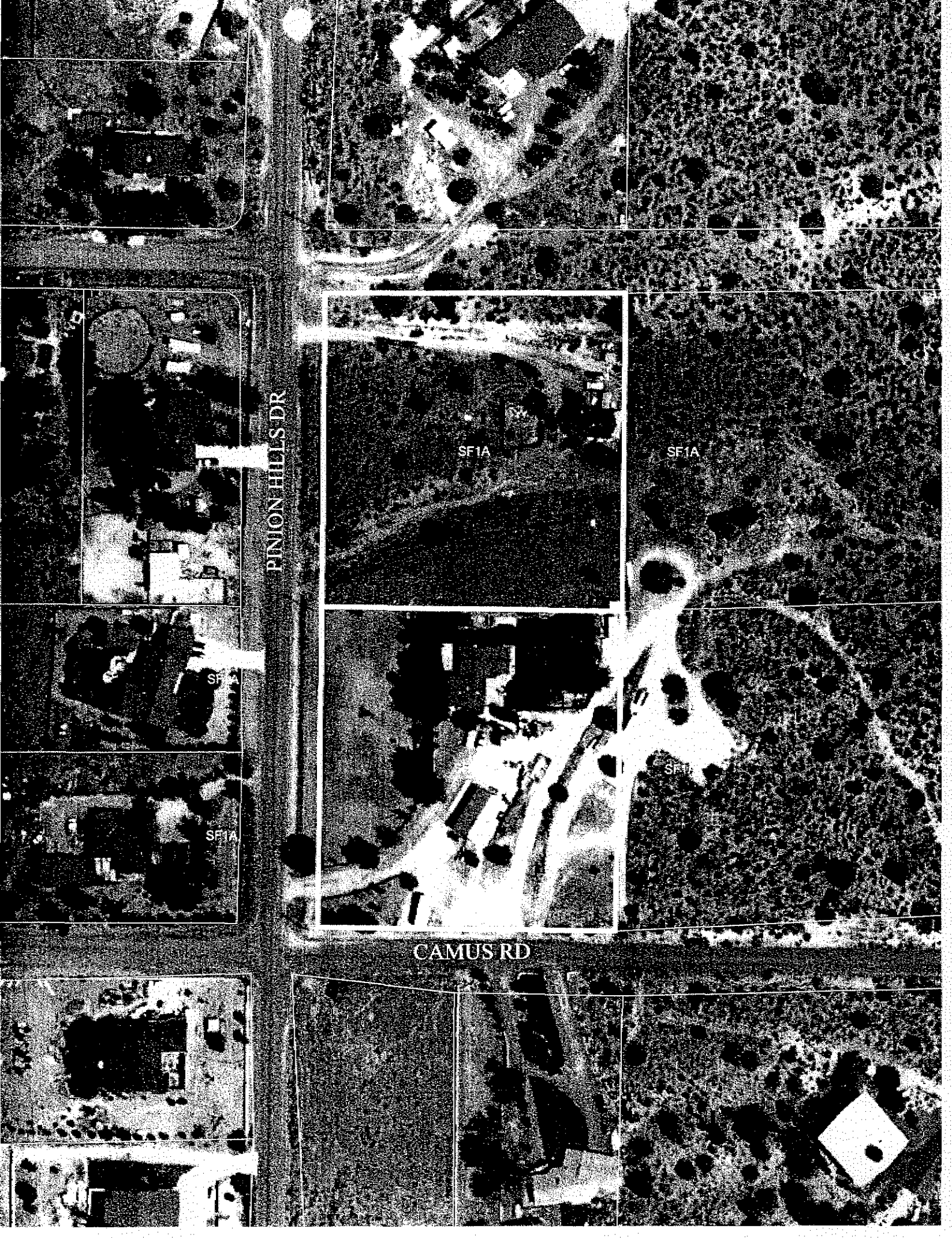
Patent Number 1270362

FORM 7000 056
U. S. GOVERNMENT PRINTING OFFICE 16-62842-2

Greg Phillips

From: Rory Hogen [RHogen@ci.carson-city.nv.us]
Sent: Wednesday, November 29, 2006 11:04 AM
To: gphillips@tristateld.com
Subject: Abandonment of 20' of right of way at 2249 Pinion Hills Drive

Greg - the abandonment of 20' of right of way on the east side of Pinion Hills Drive in the block of 2249 and 2149 Pinion Hills Drive appears to be acceptable to Carson City engineering. You may submit the appropriate documents to CC Planning. Show the power poles on your submitted plan, and you will have to make proper arrangements with Sierra Pacific to make this work. Call or email me if you have questions. 887-2305 Ext. 1208. Thanks. Rory



PINION HILLS DR

CAMUS RD

SF1A

SF1A

SF1A

SF1A

SF1A

APN: 010-104-01
APN: 010-104-03

AN ORDER ABANDONING A PORTION OF PUBLIC RIGHT-OF-WAY, BEING A 12,024 SQUARE FOOT AREA, MORE OR LESS, ON THE EAST SIDE OF PINION HILLS DRIVE, SOUTH OF ELYMUS ROAD AND NORTH OF CAMUS ROAD, ADJACENT TO APNs 010-104-01 AND 101-104-03, IN CARSON CITY, NEVADA

WHEREAS, on March 29, 2007, Greg Phillips of Tri State Surveying duly filed a written application seeking vacation and abandonment of a public right-of-way, being a portion of Pinion Hills Drive of approximately 12,024 square feet, adjacent to APNs 010-104-01 and 010-104-03, in Carson City, Nevada; and

WHEREAS, the application was thereafter referred to the Carson City Planning Commission and a public hearing was thereafter duly noticed and held before the Planning Commission on May 30, 2007. At the public hearing public testimony was taken and the Commission, after discussion and deliberation, recommended approval of abandonment of the subject right-of-way to the Carson City Board of Supervisors, finding that the public would not be materially injured by the vacation; and

WHEREAS, the Carson City Board of Supervisors, at their regular and duly noticed meeting of June 21, 2007, found that the public would not be materially injured by the proposed vacation, and accordingly ordered the abandonment of the public right-of-way in question pursuant to the provisions of NRS 278.480, which among its provisions, requires a written order to be prepared and recorded in the office of the Carson City Recorder; and

WHEREAS, the vacation and abandonment of the right-of-way is more particularly described on the attached Exhibit "A", a map of the right-of-way abandonment is shown as the Display of Exhibit "A", and the attached utility statements are shown as Exhibit "B".

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described right-of-way is hereby abandoned according to the provisions of NRS 278.480.
2. That if a utility company has a utility or an easement over or under the property hereby vacated and abandoned by this order, said easement or easements shall be continued and shall not be affected by the abandonment.
3. That water, sewer, and storm drain facilities, which may presently exist within the areas affected by abandonments, will be protected by easements. The abandonment may be subject to reserving easements for utility companies and/or Carson City if requested.
4. That the property owner shall obtain approval from Carson City Utilities and Street Departments prior to constructing improvements within said easement area. Improvements include, but are not limited to, landscaping, fencing, paving, and structures.

ORDERED this ____ day of _____, 2007, by the Carson City Board of Supervisors.

MARV TEIXEIRA, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

