

City of Carson City
Agenda Report

Item #9A

Date Submitted: February 26, 2008

Agenda Date Requested: March 6, 2008
Time Requested: 5 minutes

To: Mayor and Supervisors

From: Public Works Department

Subject Title: Action to approve a resolution declaring the public interest and necessity in the authorization of a lawsuit to exercise the power of eminent domain for right-of-way of approximately 6856.5 square feet of land for APN 009-084-01 and 4238.8 square feet of land for APN 009-089-01, for a public utility easement of approximately 130 square feet and 2501 square feet for APN 009-084-01 and 4238.8 square feet for APN 009-089-01, and a temporary construction easement of approximately 2850.6 square feet for APN 009-084-01 and 469.7 square feet for APN 009-089-01 owned by SINV, LLC, for the widening of Fairview Drive and to authorize a stipulation to entry on to the land, and to authorize all other actions necessary to accomplish the taking.

Staff Summary: As a part of Fairview Drive Widening Project, this right-of-way and easements are necessary for the relocation of utilities, the installation of curbs, gutters, sidewalks and the addition of another travel lane for each direction of travel.

Type of Action Requested: (check one)
☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve a resolution declaring the public interest and necessity in the authorization of a lawsuit to exercise the power of eminent domain for right-of-way of approximately 6856.5 square feet of land for APN 009-084-01 and 4238.8 square feet of land for APN 009-089-01, for a public utility easement of approximately 130 square feet and 2501 square feet for APN 009-084-01 and 4238.8 square feet for APN 009-089-01, and a temporary construction easement of approximately 2850.6 square feet of land for APN 009-084-01 and 469.7 square feet of land for APN 009-089-01 owned by SINV, LLC, for the widening of Fairview Drive and to authorize a stipulation to entry on to the land, and to authorize all other actions necessary to accomplish the taking.

Explanation for Recommended Board Action: Discussions have been held with the property owner about the location and necessity of the project but we have not been able to come to a satisfactory conclusion. Time is of the essence in that the Fairview Drive Widening project is essential for the freeway.

The city sent the property owners a written offer to purchase the right-of-way and easements for \$132,000. Discussions between staff and the property owners have not resulted in agreement. Eminent domain is therefore the last resort of the city to acquire the property. At the RTC meeting of February 13, 2008, staff indicated verbal approval had been obtained from SINV, LLC, but staff has not, as of this date, received written approval, hence the need to proceed with this action.

Applicable Statue, Code, Policy, Rule or Regulation: Eminent Domain Procedures

Fiscal Impact: \$132,000

Explanation of Impact: N/A

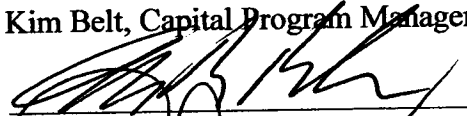
Funding Source: RTC Fairview Account

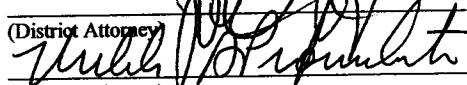
Alternatives: Do not approve the recommended action.

Supporting Material: Condemnation Resolution

Prepared By: Kim Belt, Capital Program Manager

Reviewed By:


(Public Works)

(City Manager)

(District Attorney)

(Finance Director)

Date: 2-26-08

Date: 2-26-08

Date: 2-26-08

Date: 2-26-08

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

RESOLUTION NO. _____

A RESOLUTION DECLARING THE PUBLIC INTEREST AND NECESSITY IN THE AUTHORIZATION OF A LAWSUIT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE RIGHT OF WAY OF 6856.5 SQUARE FEET OF LAND FOR APN 009-084-01 AND 4238.8 SQUARE FEET OF LAND FOR APN 009-089-01, FOR A PUBLIC UTILITY EASEMENT OF APPROXIMATELY 130 SQUARE FEET AND 2501 SQUARE FEET FOR APN 009-084-01 AND 4238.8 SQUARE FEET FOR APN 009-089-01, AND A TEMPORARY CONSTRUCTION EASEMENT OF APPROXIMATELY 2850.6 SQUARE FEET FOR APN 009-084-01 AND 469.7 SQUARE FEET FOR APN 009-089-01 OWNED BY SINV, LLC, FOR THE CONSTRUCTION OF THE FAIRVIEW DRIVE WIDENING PROJECT AND TO AUTHORIZE A STIPULATION TO ENTRY ON TO THE LAND, AND TO AUTHORIZE ALL OTHER ACTIONS NECESSARY TO ACCOMPLISH THE TAKING.

WHEREAS, Carson City is authorized by NRS 37.010 and Sec. 2.150 of the Carson City Charter to exercise the power of eminent domain over property within Carson City; and

WHEREAS, construction of the Fairview Drive Widening Project consists of installing new underground and overhead utilities, installation of curbs, gutters and sidewalks, adding a new drive lane in each direction and other related improvements and is hereinafter referred to as the Project; and

WHEREAS, the Project has been studied by city officials who have determined that the widening of Fairview Drive as contemplated by the Project causes the least private injury while still accomplishing the public purposes of enhancing the city's transportation system; and

WHEREAS, acquisition of right-of-way and easements from certain parcels of real property not presently owned or controlled by the city is needed for the Project; and

WHEREAS, SINV, LLC (and possibly others unknown to the City) are the owners of a parcel of land in Carson City which is hereinafter referred to as the Owners' Parcel(s) and are known APN 009-084-01 and APN 009-089-01, are approximately 84,506 square feet in size and 43,996 square feet in size respectively; and

WHEREAS, negotiations with the current owners of the Owners' Parcels for the acquisition through purchase of the property interests necessary for the Project have not succeeded;

WHEREAS, a summary appraisal was prepared by Johnson-Perkins & Associates on April 11, 2007, which determined that the just compensation for the taking of the right-of-way and easements from Necessary Parcel(s) APN 009-084-01 and APN 009-089-01 is One Hundred Thirty-two Thousand Dollars (\$132,000.00).

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Carson City ("the Board") as follows:

1. The professional opinions of city officials and the information and testimony presented to the board of supervisors at the public hearing held on the day of the adoption of this resolution demonstrate that the public interest and necessity require the acquisition of a right-of-way and easements from, a certain parcel of real property for public use for the purpose of constructing, operating and maintaining certain portions of the Project which parcel is called the Necessary Parcel;

2. The right-of-way and easements are shown on the shaded portion of Exhibit 1 and Exhibit 5 for the Right-of-Way; Exhibit 2, Exhibit 3 and Exhibit 6 for the Public Utility Easement; and Exhibit 4 and Exhibit 7 for the Temporary Construction Easement and described by the legal description contained in said Exhibits from the Necessary Parcel, and

is presently a portion of the Owners' Parcel. The board finds it necessary that the city acquire the right of way and said easements from to the Necessary Parcel.

3. The Project is to be located and is planned in a manner which is most compatible with the greatest public good and the least private injury and not harmful to historic landmarks or features.

4. The property interests in the Necessary Parcel as specified above will be used for a public use as a public street and are necessary for the city's transportation system.

5. The Board directs that the power of eminent domain be exercised against any and all necessary parties to acquire the right-of-way and easements from the Necessary Parcel and the board finds that the acquisition is for the purpose of construction, repair and maintenance of certain portions of the Project.

6. The Board approves the taking of necessary action to accomplish the taking of the right-of-way and easements from the Necessary Parcel as stated above including, without limitation, obtaining any additional property appraisals or updates to existing appraisals, the hiring of experts to assist in the preparation and trial of the suit, the filing of a lawsuit in the proper court, the filing of a stipulation permitting the city to take possession of the Necessary Parcel, obtaining the right of entry which may be necessary for construction of the Project, and the deposit with the court of a sum of money equal to the just compensation for the taking of the Necessary Parcels as determined by the summary appraisal prepared by Johnson-Perkins & Associates, Inc., on April 11, 2007, namely One Hundred Thirty-two Thousand Dollars (\$132,000) on Necessary Parcel(s) APN 009-084-01 and APN 009-089-01.

7. The exhibits to this resolution consist of the following: Exhibit 1, Exhibit 2,

Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6, and Exhibit 7.

ADOPTED this _____ day of _____, 2008.

AYES: Supervisors _____

NAYES: Supervisors _____

ABSENT: Supervisors _____

Marv Teixeira, Mayor

ATTEST:

Alan Glover, Clerk/Recorder

SINV LLC
Right of Way
APN 009-084-01
LEGAL DESCRIPTION

January 24, 2007

A parcel of land located within a portion of E ½ NW ¼ SE ¼ Section 20, Township 15 N., Range 20 E. M.D.M., Carson City, Nevada, being more particularly described as follows:

BEGINNING at the Northwest Corner of the parcel identified as Assessor's Parcel Number 009-084-01, as shown on Exhibit B as "POB" attached hereto:

thence S 89° 14' 16" E, 358.94 feet;
thence S 00° 55' 42" W, 31.75 feet;
thence N 89° 06' 52" W, 6.83 feet;
thence 21.24 feet along the arc of a curve to the left having a central angle of 90° 08' 27", a radial bearing of N 81° 06' 52" W and a radius of 13.50 feet;
thence N 89° 15' 16" W, 316.16 feet;
thence 21.21 feet along the arc of a curve to the left having a central angle of 90° 00' 47" and a radius of 13.50 feet;
thence N 89° 13' 30" W, 8.77 feet;
thence N 00° 36' 43" E, 31.85 feet to the POINT OF BEGINNING.

Containing 6,856.5 square feet, more or less.

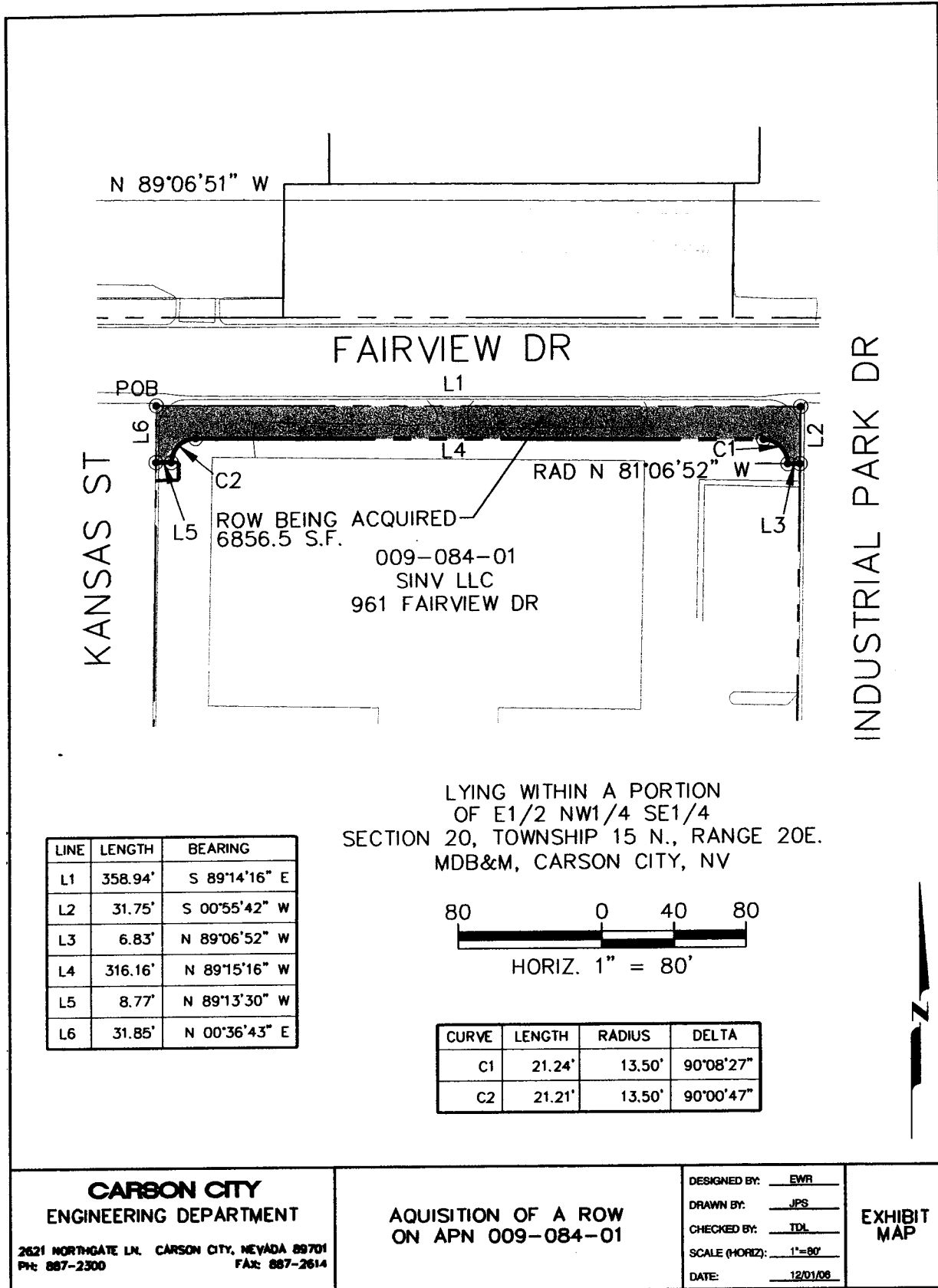
BASIS OF BEARING

NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST) VALUES AS SHOWN:

433008M (GRID) NORTHING 1605478.42 EASTING 170854.32
433011M (GRID) NORTHING 1610088.41 EASTING 174009.16
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

THE NDOT AREA COMBINED FACTOR OF .9997992940 WAS USED TO CONVERT TO GROUND COORDINATES.

Exhibit B
APN 009-084-01



SINV LLC
Utility Easement
APN 009-084-01
LEGAL DESCRIPTION

January 24, 2007

A parcel of land located within a portion of E ½ NW ¼ SE ¼ Section 20,
Township 15 N., Range 20 E. M.D.M., Carson City, Nevada, being more particularly
described as follows:

Beginning at the Northwest Corner of the parcel identified as Assessor's Parcel
Number 009-084-01, as shown on Exhibit B attached hereto:

thence S 00° 36' 43" W, 31.85 feet to the true POINT OF BEGINNING;

thence S 89° 13' 30" E, 13.00 feet;

thence S 00° 36' 43" W, 10.00 feet;

thence N 89° 13' 30" W, 13.00 feet;

thence N 00° 36' 43" E, 10.00 feet to the POINT OF BEGINNING.

Containing 130.0 square feet, more or less.

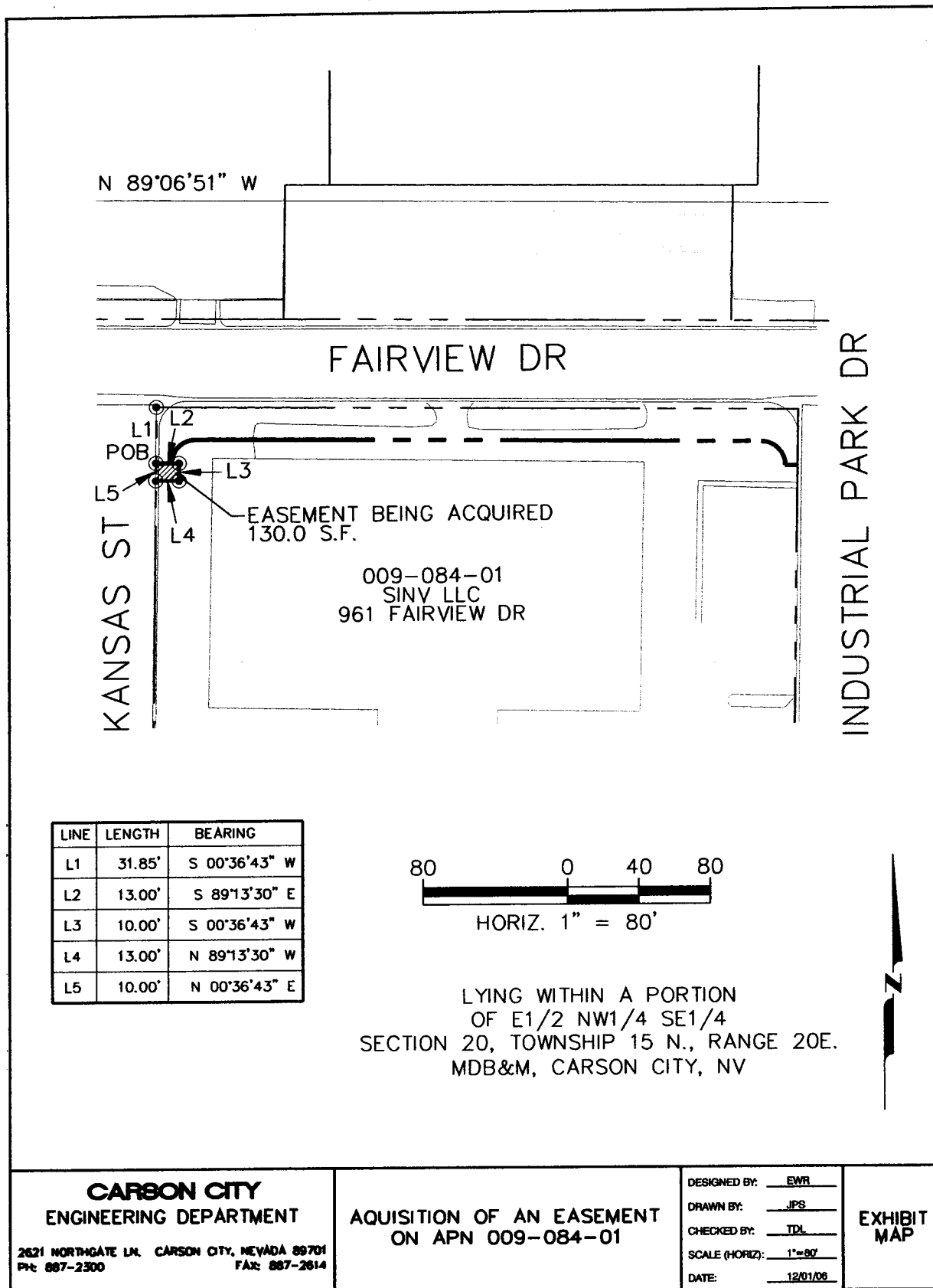
BASIS OF BEARING

NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF
TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST)
VALUES AS SHOWN:

433008M (GRID) NORTHING 1605478.42 EASTING 170854.32
433011M (GRID) NORTHING 1610088.41 EASTING 174009.16
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

THE NDOT AREA COMBINED FACTOR OF .9997992940 WAS USED TO CONVERT TO GROUND
COORDINATES.

Exhibit B
APN 009-084-01



SINV LLC
Public Utility Easement
APN 009-084-01
LEGAL DESCRIPTION

May 17, 2007

A parcel of land located within a portion of E ½ NW ¼ SE ¼ Section 20, Township 15 N., Range 20 E. M.D.M., Carson City, Nevada, being more particularly described as follows:

Beginning at the Northwest Corner of the parcel identified as Assessor's Parcel Number 009-084-01, as shown on Exhibit B attached hereto:

thence S 20° 53' 04" W, 27.81 feet to the true POINT OF BEGINNING;
thence 14.99 feet along the arc of a curve to the right having a central angle of 63° 36' 45", a radial bearing of S 62° 52' 00" E, and a radius of 13.50 feet;
thence S 89° 15' 16" E, 316.16 feet;
thence 14.99 feet along the arc of a curve to the right having a central angle of 63° 36' 47", and a radius of 13.50 feet;
thence N 89° 15' 16" E, 340.335 feet to the POINT OF BEGINNING.

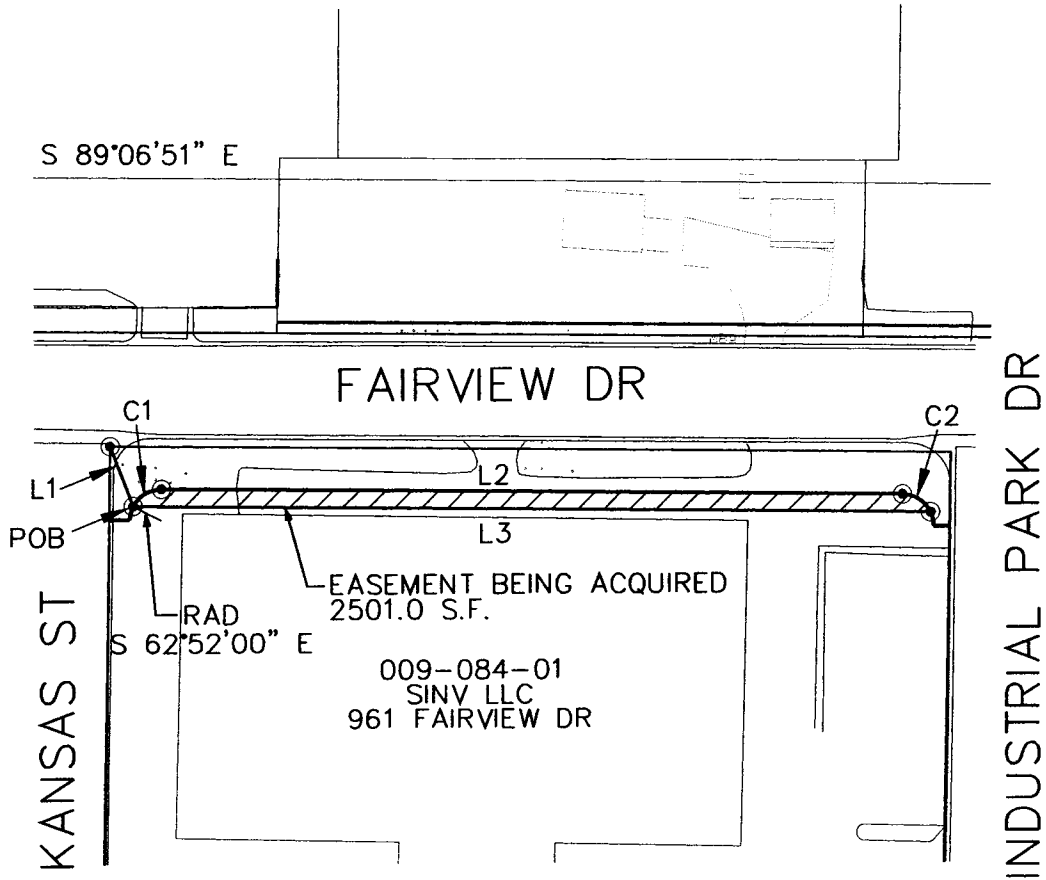
Containing 2501.0 square feet, more or less.

BASIS OF BEARING

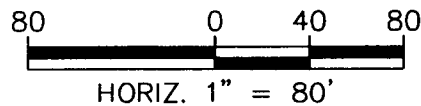
NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST) VALUES AS SHOWN:

433008M (GRID) NORTHING 1605478.42 EASTING 170854.32
433011M (GRID) NORTHING 1610088.41 EASTING 174009.16
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

THE NDOT AREA COMBINED FACTOR OF .9997992940 WAS USED TO CONVERT TO GROUND COORDINATES.



LINE	LENGTH	BEARING
L1	27.81'	S 20°53'04\" E
L2	316.16'	S 89°15'16\" E
L3	340.35'	N 89°15'16\" W



CURVE	LENGTH	RADIUS	DELTA
C1	14.99'	13.50'	63°36'45\"
C2	14.99'	13.50'	63°36'47\"

LYING WITHIN A PORTION
OF E1/2 NW1/4 SE1/4
SECTION 20, TOWNSHIP 15 N., RANGE 20E.
MDB&M, CARSON CITY, NV

CARSON CITY ENGINEERING DEPARTMENT 2621 NORTHGATE LN. CARSON CITY, NEVADA 89701 PH: 887-2300 FAX: 887-2614	AQUISITION OF AN EASEMENT ON APN 009-084-01	DESIGNED BY: <u>EWR</u> DRAWN BY: <u>JPS</u> CHECKED BY: <u>TDL</u> SCALE (HORIZ): <u>1\"=80'</u> DATE: <u>5/14/07</u>	EXHIBIT MAP
---	--	--	------------------------------

SINV LLC
Temporary Construction Easement
APN 009-084-01
LEGAL DESCRIPTION

April 18, 2007

A parcel of land located within a portion of E ½ NW ¼ SE ¼ Section 20, Township 15 N., Range 20 E. M.D.M., Carson City, Nevada, being more particularly described as follows:

Beginning at the Northwest Corner of the parcel identified as Assessor's Parcel Number 009-084-01, as shown on Exhibit A attached hereto:

thence S 17° 25' 34" E, 29.84 feet to the true POINT OF BEGINNING;
thence 17.67 feet along the arc of a curve to the right having a central angle of 74° 58' 27", a radial bearing of S 74° 13' 42" E and a radius of 13.50 feet;
thence S 89° 15' 16" E, 275.41 feet;
thence S 00° 44' 44" W, 10.00 feet;
thence N 89° 15' 16" W, 288.45 feet to the POINT OF BEGINNING.

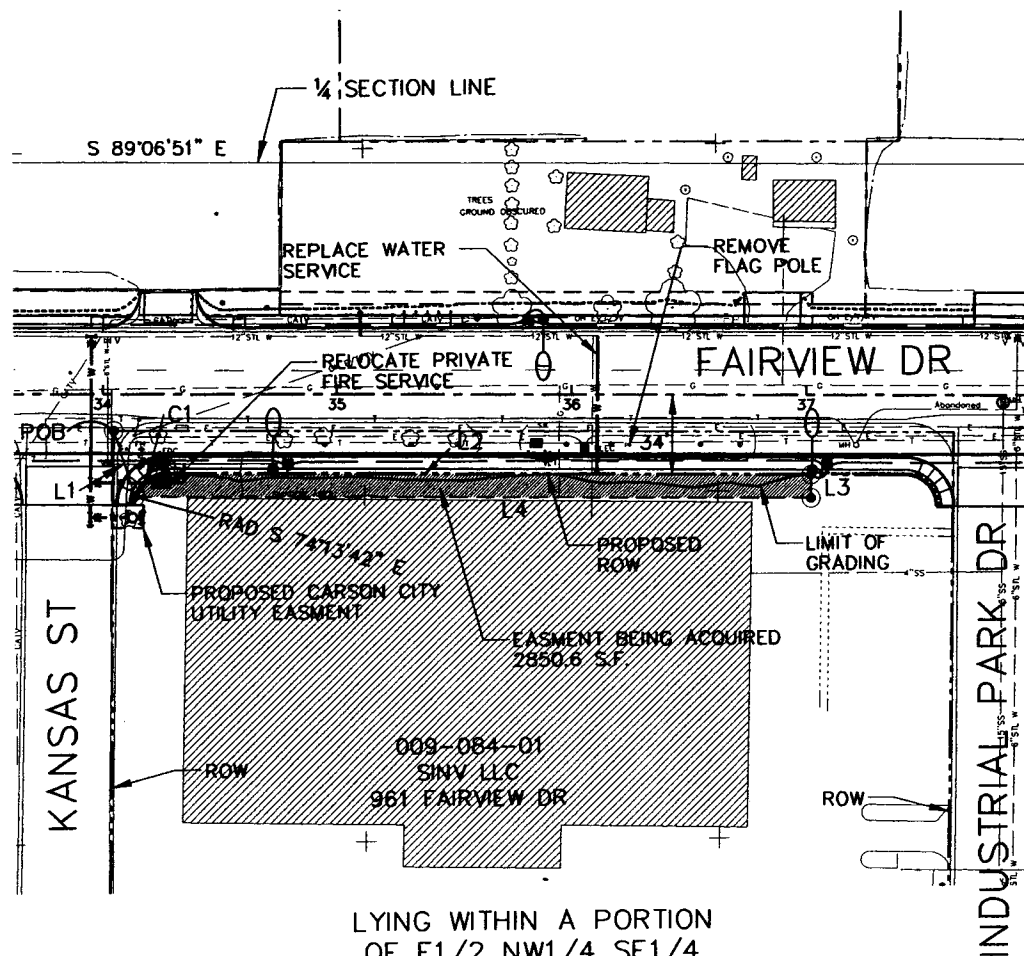
Containing 2850.6 square feet, more or less.

BASIS OF BEARING

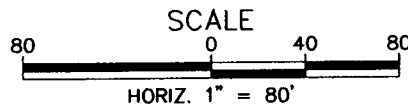
NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST) VALUES AS SHOWN:

433008M (GRID) NORTHING 1605478.42 EASTING 170854.32
433011M (GRID) NORTHING 1610088.41 EASTING 174009.16
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

THE NDOT AREA COMBINED FACTOR OF .9997992940 WAS USED TO CONVERT TO GROUND COORDINATES.



LYING WITHIN A PORTION
OF E1/2 NW1/4 SE1/4
SECTION 20, TOWNSHIP 15 N., RANGE 20E.
MDB&M, CARSON CITY, NV



LINE	LENGTH	BEARING
L1	29.84'	S 17°25'34" E
L2	275.41'	S 89°15'16" E
L3	10.00'	S 00°44'44" W
L4	288.45'	N 89°15'16" W

CURVE	LENGTH	RADIUS	DELTA
C1	17.67'	13.50'	74°58'27"

CARSON CITY
ENGINEERING DEPARTMENT

2621 NORTHGATE LN. CARSON CITY, NEVADA 89701
PH: 887-2300 FAX: 887-2614

EXHIBIT A
FOR APN 009-084-01

DESIGNED BY: EWR
DRAWN BY: ELC
CHECKED BY: TDL
SCALE (HORIZ): 1"=80'
DATE: 3/5/07

EXHIBIT
MAP

SINV LLC
Right of Way
APN 009-089-01
LEGAL DESCRIPTION

January 24, 2007

A parcel of land located within a portion of E ½ NW ¼ SE ¼ Section 20,
Township 15 N., Range 20 E. M.D.M., Carson City, Nevada, being more particularly
described as follows:

BEGINNING at the Northwest Corner of the parcel identified as Assessor's
Parcel Number 009-084-01, as shown on Exhibit B as "POB" attached hereto:

thence S 89° 11' 47" E, 227.01 feet;

thence S 00° 40' 29" W, 17.98 feet;

thence N 89° 15' 16" W, 206.86 feet;

thence 21.26 feet along the arc of a curve to the left having a central angle of 90°
14' 22" and a radius of 13.50 feet;

thence N 89° 29' 38" W, 6.77 feet;

thence N 00° 55' 07" E, 31.79 feet to the POINT OF BEGINNING.

Containing 4,238.8 square feet, more or less.

BASIS OF BEARING

NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF
TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST)
VALUES AS SHOWN:

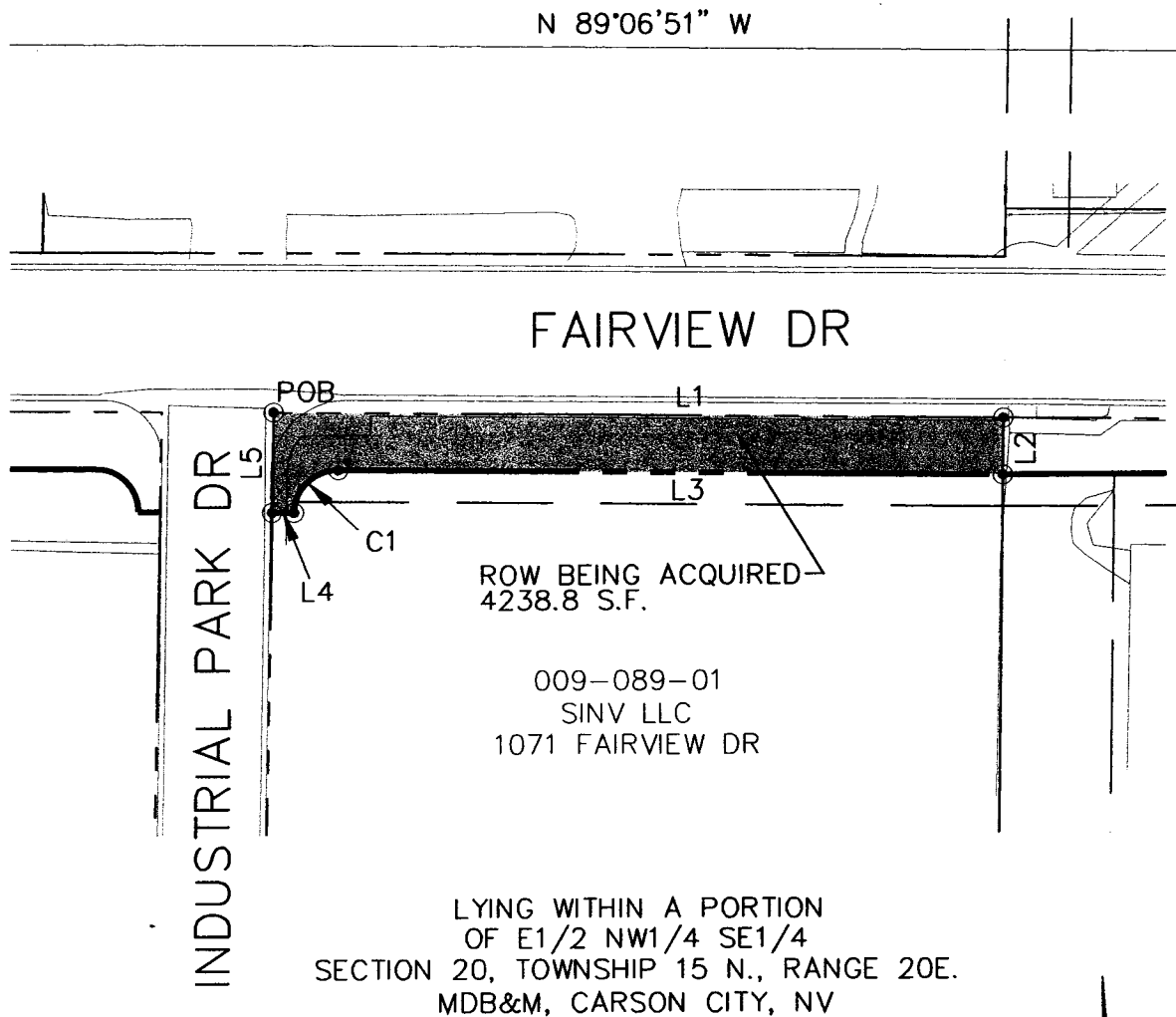
433008M (GRID) NORTHING 1605478.42 EASTING 170854.32

433011M (GRID) NORTHING 1610088.41 EASTING 174009.16

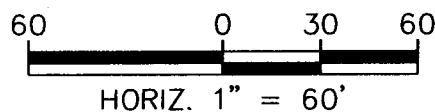
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

THE NDOT AREA COMBINED FACTOR OF .9997992940 WAS USED TO CONVERT TO GROUND
COORDINATES.

Exhibit B
APN 009-089-01



LINE	LENGTH	BEARING
L1	227.01'	S 89°11'47" E
L2	17.98'	S 00°40'29" W
L3	206.86'	N 89°15'16" W
L4	6.77'	N 89°29'38" W
L5	31.79'	N 00°55'07" E



CURVE	LENGTH	RADIUS	DELTA
C1	21.26'	13.50'	90°14'22"



CARSON CITY
ENGINEERING DEPARTMENT

2621 NORTHGATE LN. CARSON CITY, NEVADA 89701
Ph: 887-2300 Fax: 887-2614

AQUISITION OF A ROW
ON APN 009-089-01

DESIGNED BY: EWR
DRAWN BY: JPS
CHECKED BY: TDL
SCALE (HORIZ): 1"=60'
DATE: 12/12/08

EXHIBIT
MAP

SINV LLC
Public Utility Easement
APN 009-089-01
LEGAL DESCRIPTION

January 24, 2007

A parcel of land located within a portion of E ½ NW ¼ SE ¼ Section 20, Township 15 N., Range 20 E. M.D.M., Carson City, Nevada, being more particularly described as follows:

Beginning at the Northwest Corner of the parcel identified as Assessor's Parcel Number 009-089-01, as shown on Exhibit B attached hereto:

thence S 13° 27' 09" E, 29.10 feet to the true POINT OF BEGINNING;
thence 17.67 feet along the arc of a curve to the right having a central angle of 74° 58' 26", a radial bearing of S 74° 13' 42" E, and a radius of 13.50 feet;
thence S 89° 15' 16" E, 206.86 feet;
thence S 00° 40' 29" W, 10.00 feet;
thence N 89° 15' 16" W, 219.91 feet to the POINT OF BEGINNING.

Containing 2,165.1 square feet, more or less.

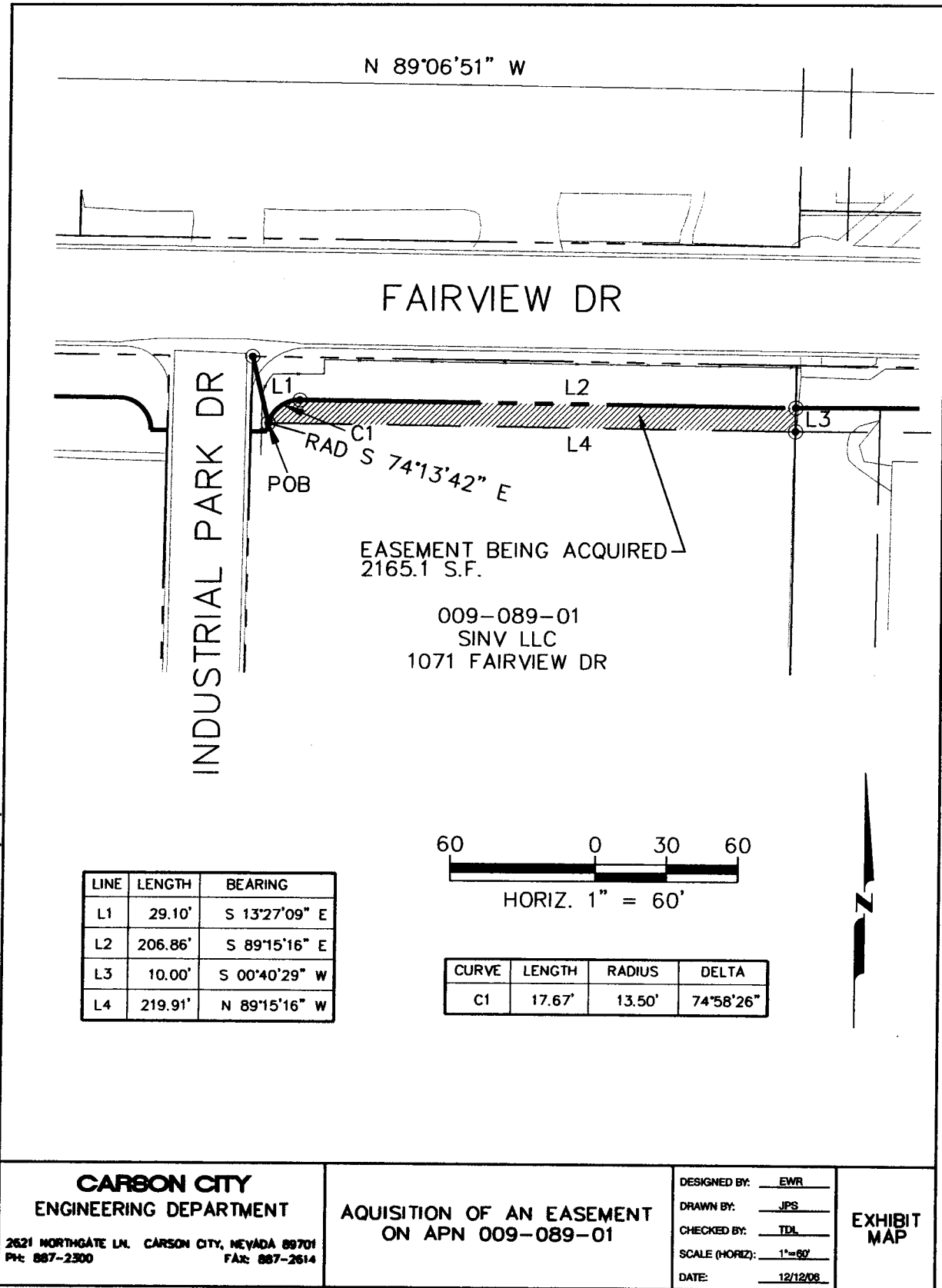
BASIS OF BEARING

NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST) VALUES AS SHOWN:

433008M (GRID) NORTHING 1605478.42 EASTING 170854.32
433011M (GRID) NORTHING 1610088.41 EASTING 174009.16
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

THE NDOT AREA COMBINED FACTOR OF .9997992940 WAS USED TO CONVERT TO GROUND COORDINATES.

Exhibit B
APN 009-089-01



SINV LLC
Temporary Construction Easement
APN 009-089-01
LEGAL DESCRIPTION

April 18, 2007

A parcel of land located within a portion of E ½ NW ¼ SE ¼ Section 20, Township 15 N., Range 20 E. M.D.M., Carson City, Nevada, being more particularly described as follows:

Beginning at the Northeast Corner of the parcel identified as Assessor's Parcel Number 009-089-01, as shown on Exhibit A attached hereto:

thence S 00° 40' 29" W, 17.98 feet to the true POINT OF BEGINNING;

thence S 00° 40' 29" W, 8.00 feet;

thence N 89° 15' 16" W, 58.72 feet;

thence N 00° 44' 44" E, 8.00 feet;

thence S 89° 15' 16" E, 58.71 feet to the POINT OF BEGINNING.

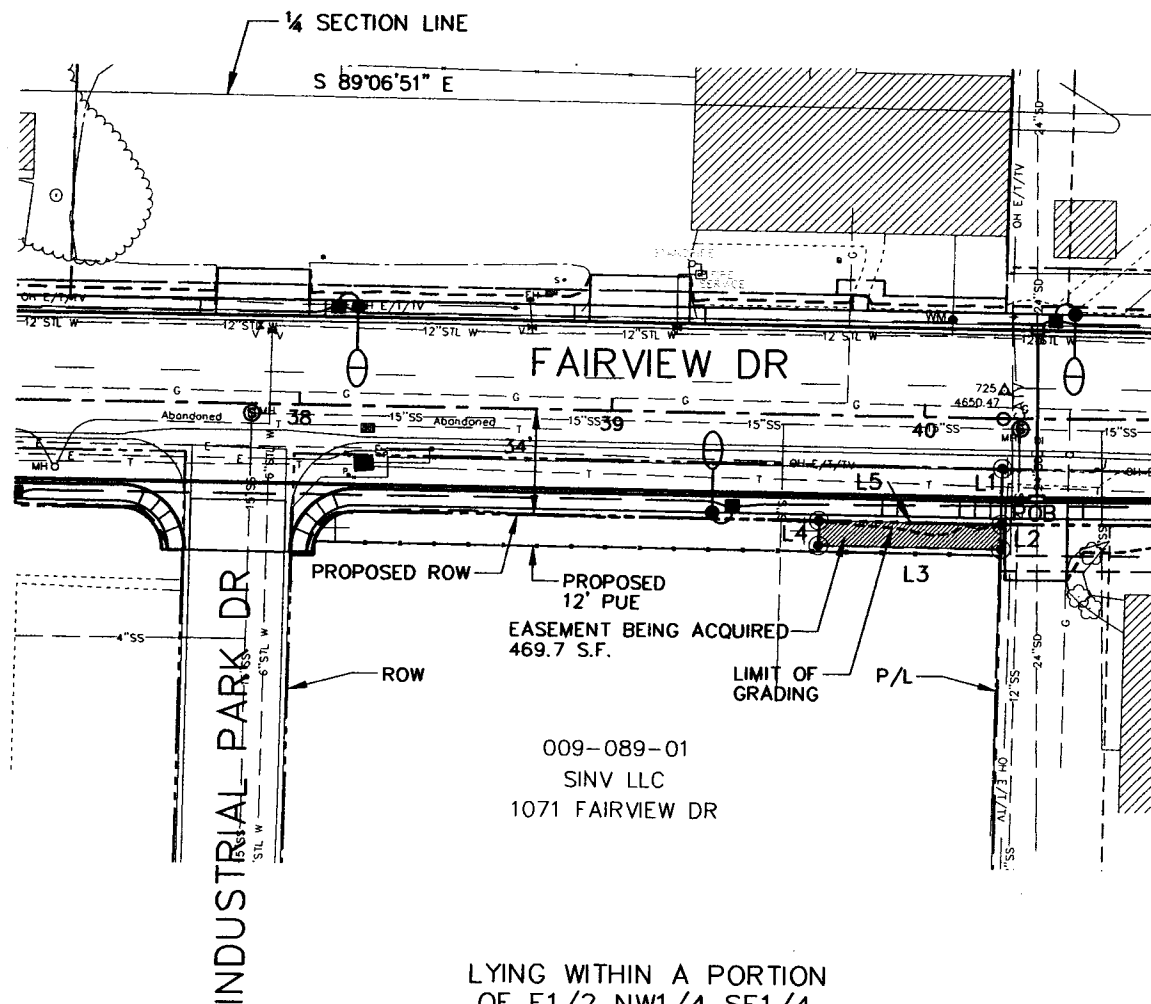
Containing 469.7 square feet, more or less.

BASIS OF BEARING

NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST) VALUES AS SHOWN:

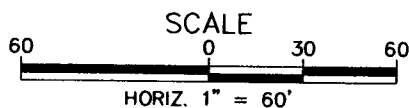
433008M (GRID) NORTHING 1605478.42 EASTING 170854.32
433011M (GRID) NORTHING 1610088.41 EASTING 174009.16
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

THE NDOT AREA COMBINED FACTOR OF .9997992940 WAS USED TO CONVERT TO GROUND COORDINATES.



LYING WITHIN A PORTION
OF E1/2 NW1/4 SE1/4
SECTION 20, TOWNSHIP 15 N., RANGE 20E.
MDB&M, CARSON CITY, NV

LINE	LENGTH	BEARING
L1	17.98'	S 00°40'29" W
L2	8.00'	S 00°40'29" W
L3	58.72'	N 89°15'16" W
L4	8.00'	N 00°44'44" E
L5	58.71'	S 89°15'16" E



CARSON CITY
ENGINEERING DEPARTMENT

2621 NORTHGATE LN. CARSON CITY, NEVADA 89701
PH: 887-2300 FAX: 887-2614

EXHIBIT A
FOR APN 009-089-01

DESIGNED BY: EWR
DRAWN BY: ELC
CHECKED BY: TDL
SCALE (HORIZ): 1"=60'
DATE: 3/5/07

EXHIBIT
MAP