

City of Carson City
Agenda Report

Item #14B

Date Submitted: March 7, 2008

Agenda Date Requested: March 20, 2008

Time Requested: 5 minutes

To: Mayor and Supervisors

From: Public Works Department

Subject Title: Action to accept the Regional Transportation Commission's February 13, 2008 meeting recommendation that the Board of Supervisors 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 4,843.5 square feet of land, for a public utility easement of approximately 2,999.4 square feet of land and a temporary construction easement of approximately 4,227.5 square feet of land which is a portion of APN 09-552-01 owned by Mission of Nevada, Inc, 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 4,843.5 square feet of land, for a public utility easement of approximately 2,999.4 square feet of land and a temporary construction easement of approximately 4,227.5 square feet of land which is a portion of APN 09-552-01 owned by Mission of Nevada, Inc, 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 \$430,000. 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.

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

Fiscal Impact: \$430,000

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not approve the recommended action.

Supporting Material: Condemnation Resolution, Letter Providing Notice of Eminent Domain Proceedings

Prepared By: Kim Belt, Capital Program Manager

Reviewed By:

(Parks and Recreation)

(Public Works)

(City Manager)

(District Attorney)

(Finance Director)

Date: _____

Date: 3/11/08

Date: 3/11/08

Date: 3-11-08

Date: 3-11-08

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 APPROXIMATELY 4,843.5 SQUARE FEET; A PUBLIC UTILITY EASEMENT OF APPROXIMATELY 2,999.4 SQUARE FEET AND A TEMPORARY CONSTRUCTION EASEMENT OF APPROXIMATELY 4,227.5 SQUARE FEET OF LAND ALL WHICH IS A PORTION OF APN 009-552-01, OWNED BY MISSION OF NEVADA, INC. FOR THE CONSTRUCTION OF THE FAIRVIEW DRIVE WIDENING PROJECT AND 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 acquisition of property for 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, Mission of Nevada, Inc. (and possibly others unknown to the City) is the owner of a parcel of land in Carson City which is hereinafter referred to as the Owners' Parcel and is known as APN 009-552-01, which is approximately 105,152 square feet in size; 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 November 2, 2007, which determined that the just compensation for the taking of the right-of-way and easements from Necessary Parcel APN 009-552-01 is Four Hundred Thirty Thousand Dollars (\$430,000.00).

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 for the Right-of-Way, Exhibit 2 for the Public Utility Easement and Exhibit 3 for the Temporary Construction Easement and described by the legal description contained in said Exhibits for 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 the Owners' 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 Owners' 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 Owners' 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 November 2, 2007, namely Four Hundred Thirty Thousand Dollars (\$430,000) for Necessary Parcel APN 009-552-01.

7. The exhibits to this resolution consist of the following: Exhibit 1, Exhibit 2 and Exhibit 3.

ADOPTED this _____ day of _____, 2008.

AYES: Supervisors _____

NAYES: Supervisors _____

ABSENT: Supervisors _____

Marv Teixeira, Mayor

ATTEST:

Alan Glover, Clerk/Recorder

MISSION OF NEVADA, INC
Right of Way
APN 009-552-01
LEGAL DESCRIPTION

January 24, 2007

A parcel of land located within a portion of W ½ NE 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 009-552-01, as shown on Exhibit B as "POB" attached hereto:

thence S 89° 14' 35" E, 149.90 feet;

thence S 89° 14' 08" E, 150.02 feet;

thence S 00° 41' 53" W, 14.31 feet;

thence N 89° 56' 25" W, 299.94 feet;

thence N 00° 40' 29" E, 17.98 feet to the POINT OF BEGINNING.

Containing 4,843.5 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:

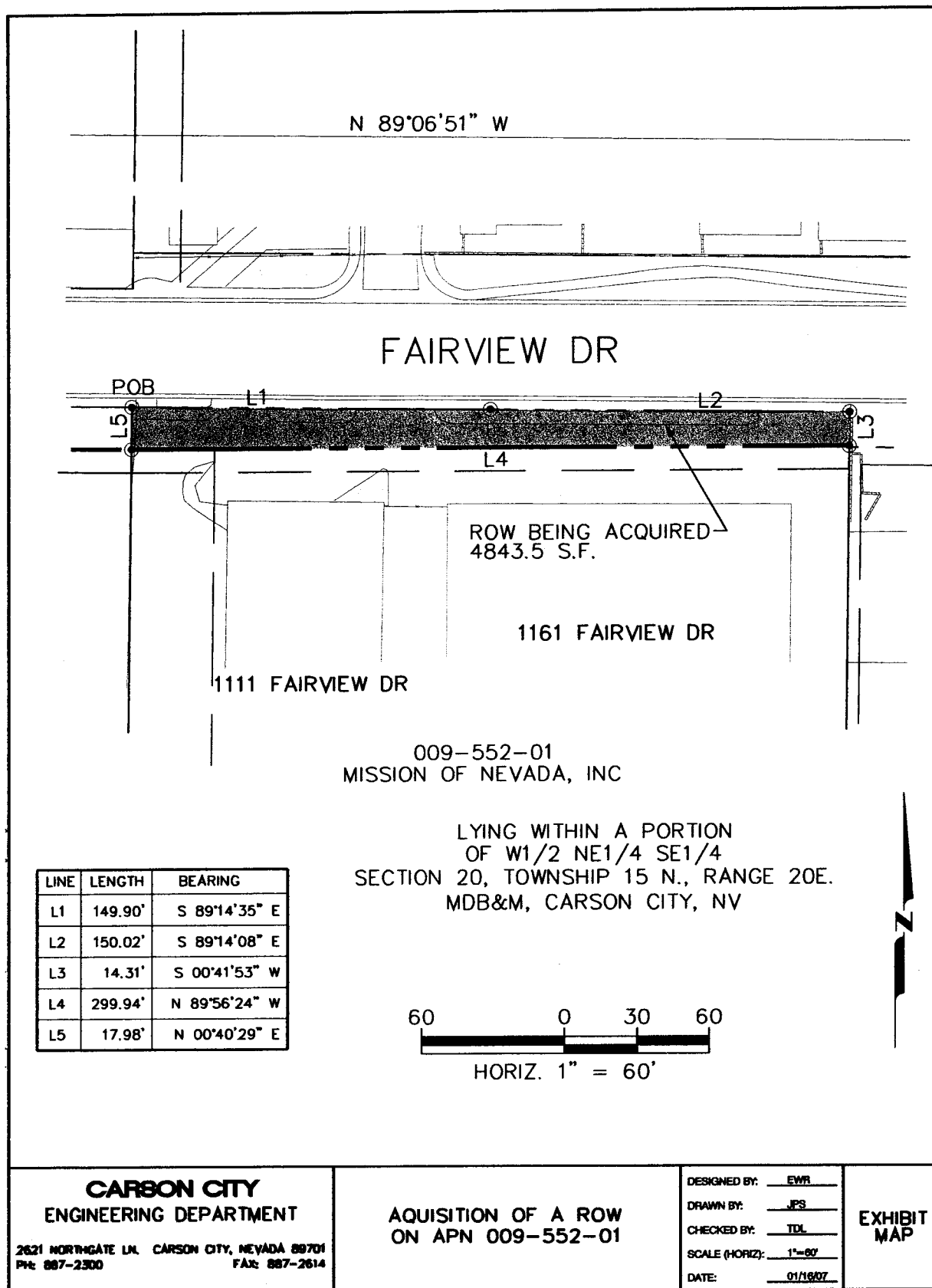
433008M (GRID) NORTHING 1605478.42 EASTING 170854.32

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 009-552-01



MISSION OF NEVADA, INC
Public Utility Easement
APN 009-552-01
LEGAL DESCRIPTION

January 24, 2007

A parcel of land located within a portion of W ½ NE 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 009-552-01, as shown on Exhibit B attached hereto:

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

thence S 89° 56' 24" E, 299.94 feet;

thence S 00° 41' 53" W, 10.00 feet;

thence N 89° 56' 24" W, 299.93 feet;

thence N 00° 40' 29" E, 10.00 feet to the POINT OF BEGINNING.

Containing 2,999.4 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:

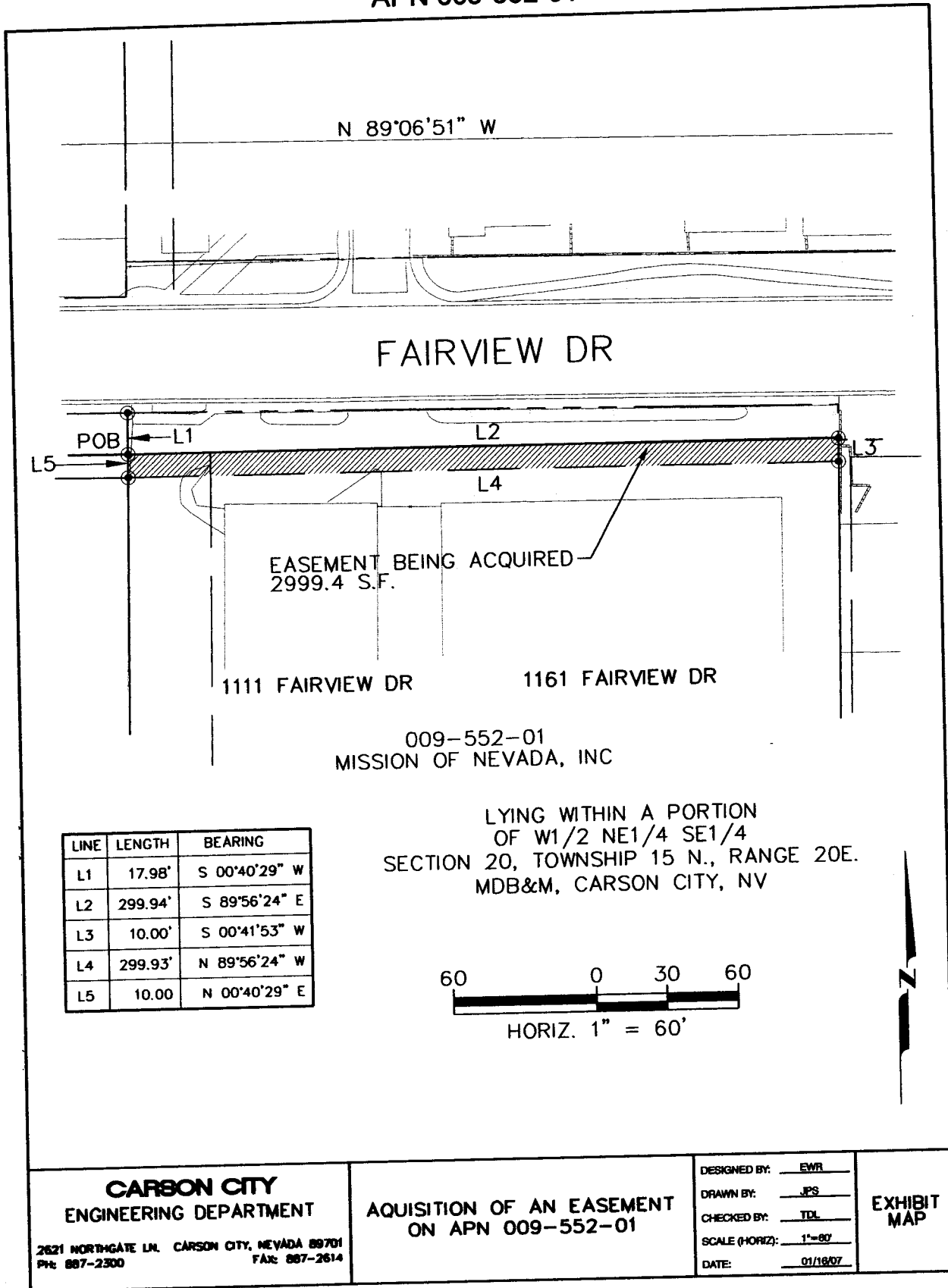
433008M (GRID) NORTHING 1605478.42 EASTING 170854.32

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 009-552-01



MISSION OF NEVADA, INC
Temporary Construction Easement
APN 009-552-01
LEGAL DESCRIPTION

January 24, 2007

A parcel of land located within a portion of N ½ NE 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 009-552-01, as shown on Exhibit A attached hereto:

thence S 00° 40' 29" W, 17.98 feet to the true POINT OF BEGINNING identified
as "POB" on Exhibit A;

thence S 89° 56' 24" E, 260.73 feet;

thence S 00° 03' 35" W, 22.00 feet;

thence N 89° 56' 25" W, 45.03 feet;

thence N 00° 03' 35" E, 7.00 feet;

thence N 89° 56' 25" W, 215.87 feet

thence N 00° 40' 29" E, 15.00 feet to the POINT OF BEGINNING.

Containing 4,227.5 square feet, more or less.

BASIS OF BEARING

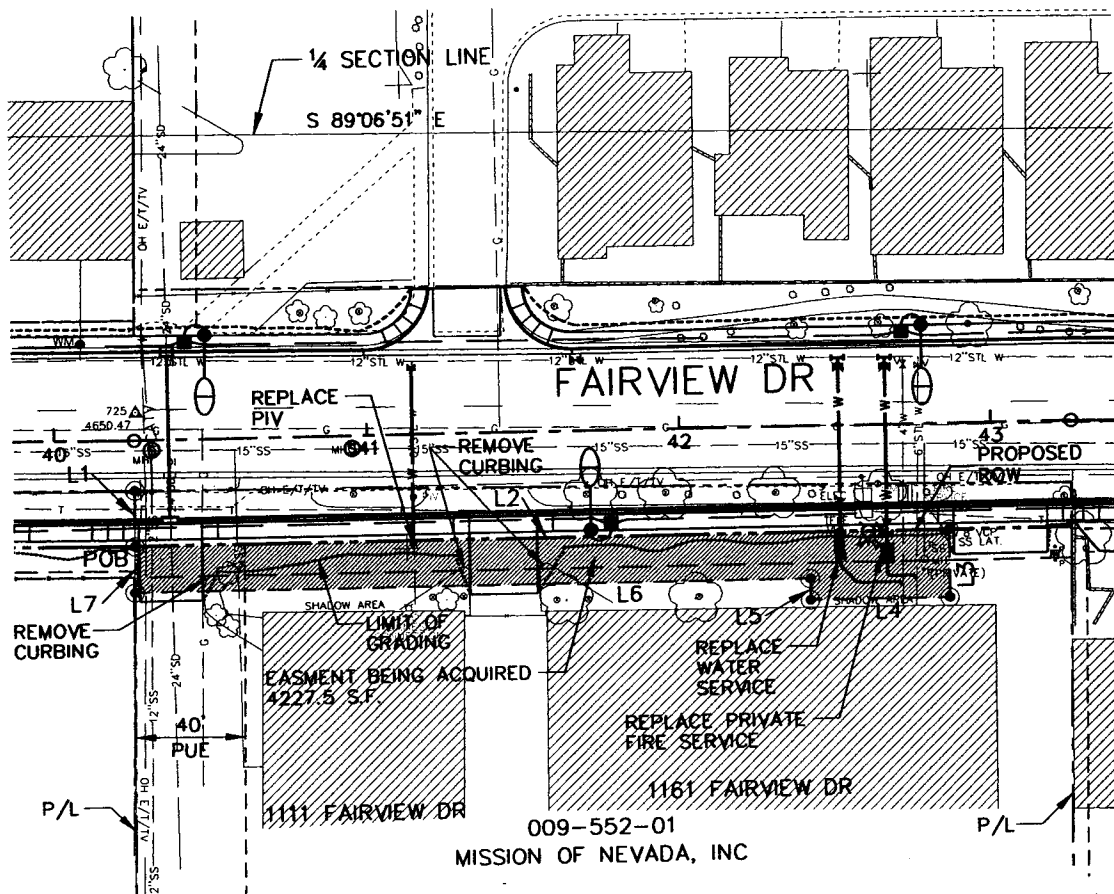
NORTH 28°51'14" EAST, BEING THE GRID BEARING BETWEEN NEVADA DEPARTMENT OF
TRANSPORTATION MONUMENTS 433008M AND 433011M, USING NAD 27 (NEVADA WEST)
VALUES AS SHOWN:

433008M (GRID) NORTHING 1605478.42 EASTING 170854.32

433011M (GRID) NORTHING 1610088.41 EASTING 174009.16

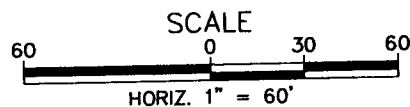
(VALUES SHOWN ARE IN U.S. SURVEY FEET)

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



LYING WITHIN A PORTION
OF N1/2 NE1/4 SE1/4
SECTION 20, TOWNSHIP 15 N., RANGE 20E.
MDB&M, CARSON CITY, NV

LINE	LENGTH	BEARING
L1	17.98'	S 00°49'29" W
L2	260.73'	S 89°56'24" E
L3	22.00'	S 00°03'35" W
L4	45.03'	N 89°56'25" W
L5	7.00'	N 00°03'35" E
L6	215.87'	N 89°56'25" W
L7	15.00'	N 00°40'29" E



CARSON CITY ENGINEERING DEPARTMENT 2621 NORTHGATE LN. CARSON CITY, NEVADA 89701 PH: 887-2300 FAX: 887-2614	EXHIBIT A FOR APN 009-552-01	DESIGNED BY: <u>EWB</u>	EXHIBIT MAP
		DRAWN BY: <u>ELC</u> CHECKED BY: <u>TDL</u> SCALE (HORIZ): <u>1"=80'</u> DATE: <u>3/5/97</u>	

**PUBLIC WORKS
DEPARTMENT**

■ **ADMINISTRATION**

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

■ **CONTRACTS**

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

■ **FLEET SERVICES**

3303 Butti Way, Building 2
Carson City, NV 89701-3498
Ph: 775-887-2356
Fx: 775-887-2258

■ **OPERATIONS**

(Water, Sewer, Wastewater,
Streets, Landfill, Environmental)
3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

■ **TRANSPORTATION/
CAPITAL PROJECTS**

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

**DEVELOPMENT
SERVICES**

■ **BUILDING and SAFETY
PERMIT CENTER**

2621 Northgate Lane, Suite 6
Carson City, NV 89706-1319
Ph: 775-887-2310
Fx: 775-887-2202

■ **DEVELOPMENT ENGINEERING**

2621 Northgate Lane, Suite 54
Carson City, NV 89706-1319
Ph: 775-887-2300
Fx: 775-887-2283

■ **PLANNING**

2621 Northgate Lane, Suite 62
Carson City, NV 89706-1319
Ph: 775-887-2180
Fx: 775-887-2278

CARSON CITY NEVADA
Consolidated Municipality and State Capital



Hand Delivered

March 6, 2008

Letter Providing Notice of Eminent Domain Proceedings

SINV, LLC
961 and 1071 Fairview Drive
Carson City, NV 89701

MISSION OF NEVADA, INC
1111 AND 1161 Fairview Drive
Carson City, NV 89701

Re: Easement Acquisition for Fairview Drive Widening
Assessor's Parcel Number 009-084-01 and 009-089-01
Assessor's Parcel Number 009-552-01
Carson City, Nevada

Carson City, A Consolidated Municipality, is acquiring easements necessary for the widening of Fairview Drive in Carson City, Nevada.

Because we have not been able to successfully negotiate an agreement for the acquisition of the easements, I am requesting that the Carson City Board of Supervisors proceed with acquiring the easements through the eminent domain process. The matter will be heard by the Carson City Board of Supervisors at their regularly scheduled meeting on March 20, 2008.

Meeting Information:

Day: Thursday
Date: March 20, 2008
Time: Beginning 8:30 a.m.
Location: Community Center, Sierra Room
851 East William Street
Carson City, Nevada

For your information, I have enclosed copies of the documents that will be presented to the Board of Supervisors. If you have any questions concerning the construction project, the right-of-way plans or the acquisition details, please contact me at (775) 887-2355, ext 1016.

Sincerely,

Kim Belt
Capital Program Manager

Enclosures

Doris Spoon 3/16/08