

Item # 12A

**City of Carson City  
Agenda Report**

**Date Submitted:** May 6, 2008

**Agenda Date Requested:** May 15, 2008

**Time Requested:** 10 minutes

**To:** Mayor and Board of Supervisors

**From:** Development Services - Planning Division

**Subject Title:** Action to approve an Abandonment of Public Right-of-Way application from Ed Epperson, Carson Tahoe Hospital (property owners: Carson Tahoe Hospital and Gal Sal Company) to abandon a 66 foot wide by 166.18 foot long portion of North Minnesota Street between Fleischmann Way and John Street, located at 412 West John Street and 775 Fleischmann Way, APNs: 001-171-04 and 001-201-25, based on seven findings and subject to eight conditions of approval contained in the staff report, and to authorize the Mayor to sign the order of abandonment. (File AB-07-221).

**Staff Summary:** Pursuant to NRS 278.480 and CCMC Title 17, this application requests abandonment of a 66 foot portion of North Minnesota Street public right-of-way, north of John Street and south of Fleischmann Way, of approximately 10,968 square feet in size. Approval would result in 5,484 square feet of right-of-way being abandoned to each adjacent property owner.

**Type of Action Requested:**

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Planning Commission Action:** Recommended approval April 23, 2008, by a vote of 6 Ayes, 0 Nays 1 Absent.

**Recommended Board Action:** I move to approve an Abandonment of Public Right-of-Way application from Ed Epperson, Carson Tahoe Hospital (property owners: Carson Tahoe Hospital and Gal Sal Company) to abandon a 66 foot wide by 166.18 foot long portion of North Minnesota Street between Fleischmann Way and John Street, located at 412 West John Street and 775 Fleischmann Way, APNs: 001-171-04 and 001-201-25, based on seven findings and subject to eight conditions of approval contained in the staff report, and to authorize the Mayor to sign the order of abandonment.

**Applicable Statute, Code, Policy, Rule or Regulation:** NRS 278.480, CCMC, Title 17.15

**Explanation for Recommended Board Action:** Pursuant to NRS 278.480 and CCMC Title 17, the Board of Supervisors take final action on the right-of-way abandonments.

**Fiscal Impact:** N/A

**Explanation of Impact:**





Per the Engineering Division, no records have been found regarding how this portion of North Minnesota Street was created. This portion of North Minnesota Street is shown on the Map of Carson City dated January 1875. There are no records indicating that the City ever paid for the right-of-way.

**Funding Source:** N/A

**Alternatives:** 1) Refer back to staff and Planning Commission for further review; 2) Deny request for abandonment.

**Supporting Material:** Case Record  
Staff Report  
Order of Abandonment

**Prepared By:** Rose Mary Johnson, Management Assistant III

|                     |   |                     |
|---------------------|---|---------------------|
| <b>Reviewed By:</b> |   | Date: <u>5-6-08</u> |
|                     | (Planning Director)   |                     |
|                     |  | Date: <u>5-6-08</u> |
|                     | (Development Services Director)   |                     |
|                     |  | Date: <u>5-6-08</u> |
|                     | (City Manager)  |                     |
|                     |  | Date: <u>5-6-08</u> |
|                     | (District Attorney's Office)  |                     |

**Board Action Taken:**

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

\_\_\_\_\_  
(Vote Recorded By)

APN: 001-171-04

APN: 001-201-25

AN ORDER ABANDONING A PORTION OF PUBLIC RIGHT-OF-WAY, BEING 11,000-SQUARE-FOOT AREA, MORE OR LESS, OF NORTH MINNESOTA STREET, NORTH OF JOHN STREET AND SOUTH OF FLEISCHMANN WAY, ADJACENT TO APNs 001-171-04 AND 001-201-25, IN CARSON CITY, NEVADA

WHEREAS, on December 31, 2007, Carson Tahoe Hospital duly filed a written application seeking vacation and abandonment of a public right-of-way, being a portion of North Minnesota Street of approximately 11,000 square feet, adjacent to APNs 001-171-04 and 001-201-25, 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 April 23, 2008. 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 May 15, 2008, 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 \_\_\_\_\_, 2008, by the Carson City Board of Supervisors.

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MARV TEIXEIRA, Mayor

ATTEST:

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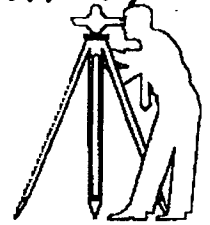
ALAN GLOVER, Clerk-Recorder



# HADDAN ENGINEERING, INC.

CIVIL ENGINEERING, SURVEYING & CONSULTING

Exhibit A



## LEGAL DESCRIPTION FOR ABANDONMENT OF A PORTION OF NORTH MINNESOTA STREET BETWEEN FLEISCHMANN WAY AND JOHN STREET, CARSON CITY, NEVADA

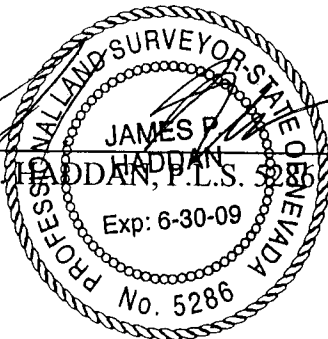
ALL THAT CERTAIN REAL PROPERTY SITUATE WITHIN A PORTION OF THE NW¼ NW¼ SECTION 17, T.15N., R.20E., M.D.B. & M., CARSON CITY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, T.15N., R.20E., M.D.B. & M; THENCE S. 32° 38' 45" E., 114.97 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S. 89° 51' 50" E., 33.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY OF FLEISCHMANN WAY; THENCE S. 00° 28' 36" W., 166.18 FEET; THENCE N. 89° 51' 50" W., 33.00 FEET ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY OF JOHN STREET; THENCE N. 00° 28' 36" E., 166.18 FEET TO THE **TRUE POINT OF BEGINNING**, AS SHOWN ON THE ATTACHED MAP EXHIBIT TO ACCOMPANY APPLICATION FOR ABANDONMENT OF A PORTION OF NORTH MINNESOTA STREET, CARSON CITY, NEVADA, WHICH IS MADE A PART HEREOF.

CONTAINING 5,484 SQUARE FEET MORE OR LESS.

RESERVING THEREFROM A 12-FOOT WIDE PUBLIC UTILITY AND ACCESS EASEMENT COINCIDENT WITH AND LYING EASTERLY OF THE EXISTING CENTERLINE OF NORTH MINNESOTA STREET.

BASIS OF BEARINGS: THE SOUTH LINE OF THE PARCEL SHOWN ON THE RECORD OF SURVEY FOR CARSON CITY, RECORDED AS PLAT NO. 391, CARSON CITY RECORDS. (S. 88° 35' 17" W.)

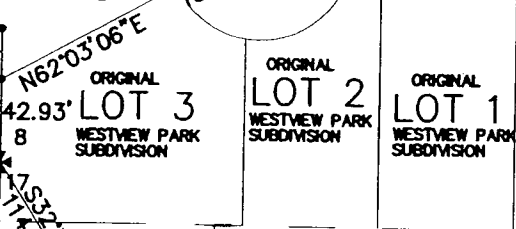

 JAMES P. HADDAN, P.L.S. No. 5286  
 Exp: 6-30-09  
 4/11/08  
 DATE

FOUND 5/8" REBAR AND CAP NO. 5286 SET BY THIS SURVEYOR PER BOUNDARY LINE ADJUSTMENT RECORDED AS DOCUMENT NO. 250489

500°02'10"E 26.12'  
 (PREVIOUS SURVEY)  
 FD. 1/2" I.D. IRON PIPE (1.18' DEEP)  
 POSITION OF SECTION CORNER (NOT FOUND)  
 ESTABLISHED FROM ORIGINAL MONUMENTATION FOUND FOR WESTVIEW PARK SUBDIVISION

(PREVIOUS SURVEY)  
 FD. CHISEL LINE AT BACK FACE OF CURB

(PREVIOUS SURVEY)  
 FD. BRASS CAP IN WELL MON. (CHISEL "X" IN CAP)  
 S89°56'53"E 170.00'  
 PINEVIEW WAY



N89°51'50"W  
 FLEISCHMANN WAY

N89°51'50"W  
 FLEISCHMANN WAY

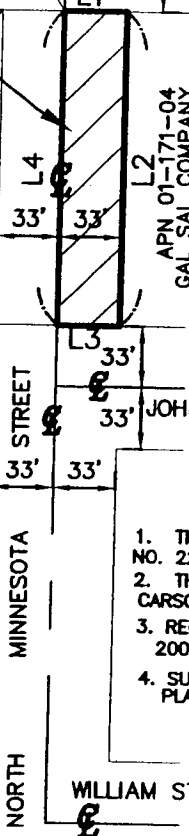
DIVISION STREET



1 INCH=100 FEET

HATCH INDICATES THE EAST HALF OF A PORTION OF NORTH MINNESOTA ST. BEING ABANDONED BETWEEN THE SOUTHERLY RIGHT-OF WAY OF FLEISCHMANN WAY AND THE EXTENSION OF THE NORTHERLY RIGHT-OF -WAY OF JOHN ST. RESERVING THEREFROM A 24 FT. PUBLIC UTILITY AND ACCESS EASEMENT CENTERED ON AND LYING 12 FT. EACH SIDE OF THE EXISTING CENTERLINE OF NORTH MINNESOTA ST. (CONTAINING 5,484 SQ. FT. MORE OR LESS)

APN 01-201-25 CARSON-TAHOE HOSPITAL  
 APN 01-171-04 GAL SAL COMPANY



FOUND 5/8" REBAR IN WELL MONUMENT 0.45' NORTH OF ESTABLISHED CENTERLINE OF FLEISCHMANN WAY

| LINE TABLE |        |             |
|------------|--------|-------------|
| LINE       | LENGTH | BEARING     |
| L1         | 33.00  | S89°51'50"E |
| L2         | 166.18 | S00°28'36"W |
| L3         | 33.00  | N89°51'50"W |
| L4         | 166.18 | N00°28'36"E |

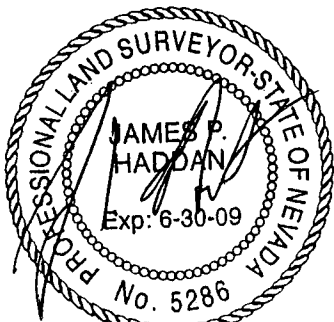
⊕ - CENTERLINE

**REFERENCE DOCUMENTS:**

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2. THE RECORD OF SURVEY FOR CARSON CITY RECORDED AS PLAT NO. 391, CARSON CITY RECORDS.
3. RECORD OF SURVEY FOR EUGENE CHENEY JR. RECORDED AS PLAT NO. 2006 IN THE CARSON CITY RECORDS.
4. SUBDIVISION PLAT FOR THE WESTVIEW PARK SUBDIVISION RECORDED AS PLAT NO. 84 IN THE CARSON CITY RECORDS.

**BASIS OF BEARINGS:**

THE SOUTH LINE OF THE PARCEL SHOWN ON THE RECORD OF SURVEY FOR CARSON CITY RECORDED AS PLAT NO. 391, CARSON CITY RECORDS. (S 88°35'17" W)



4/11/08

FOUND 1/2" REBAR AND TAG LS 314 PER RS 391

(PREVIOUS SURVEY)  
 FOUND 1/2" REBAR AND TAG LS 314 PER RS 391 SET REBAR & CAP NO. 5286

N88°35'17"E 176.35'  
 (BASIS OF BEARINGS)

MAP TO ACCOMPANY APPLICATION FOR ABANDONMENT OF A PORTION OF NORTH MINNESOTA STREET CARSON CITY, NEVADA

BEING A PORTION OF THE N.W. 1/4 N.W. 1/4 SECTION 17, T.15N., R.20E., M.D.B.&M. CARSON CITY, NEVADA



**HADDAN ENGINEERING, INC.**

P.O. BOX 2300  
 DAYTON, NEVADA  
 (775) 883-6885 FAX (775) 246-0805

7002BSIEXHIBITGALSAL



**HADDAN ENGINEERING, INC.**  
CIVIL ENGINEERING, SURVEYING & CONSULTING



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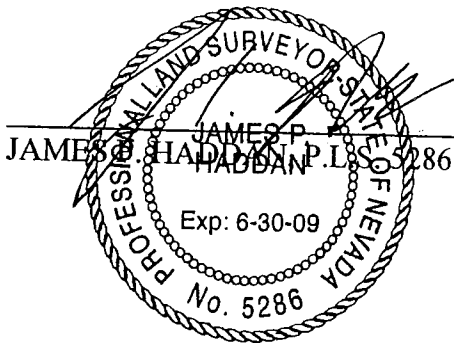
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COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, T.15N., R.20E., M.D.B.& M; THENCE S. 16° 41' 58" E., 100.99 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S. 89° 51' 50" E., 33.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY OF FLEISCHMANN WAY; THENCE S. 00° 28' 36" W., 166.18 FEET; THENCE N. 89° 51' 50" W., 33.00 FEET ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY OF JOHN STREET; THENCE N. 00° 28' 36" E., 166.18 FEET TO THE **TRUE POINT OF BEGINNING**, AS SHOWN ON THE ATTACHED MAP EXHIBIT TO ACCOMPANY APPLICATION FOR ABANDONMENT OF A PORTION OF NORTH MINNESOTA STREET, CARSON CITY, NEVADA, WHICH IS MADE A PART HEREOF.

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9/11/08  
DATE

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(PREVIOUS SURVEY) FD. CHISEL LINE AT BACK FACE OF CURB

(PREVIOUS SURVEY) FD. BRASS CAP IN WELL MON. (CHISEL "X" IN CAP) PINEVIEW WAY

N89°51'50"W FLEISCHMANN WAY

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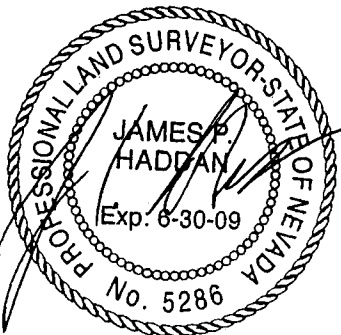
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4/11/08

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N88°35'17"E 176.35' (BASIS OF BEARINGS)



**HADDAN ENGINEERING, INC.**

P.O. BOX 2300 DAYTON, NEVADA (775) 883-6885 FAX (775) 246-0885

7002BS1EXHIBIT



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

A portion of North Minnesota Street between Fleischmann Way  
LOCATED AT: and John Street, Carson City, Nevada

(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: Larry Gibson SWGAS 1/8/08  
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 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)

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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: *D. J. Menzies* \_\_\_\_\_  
Signature D. J. MENZIES Company CHARTER COMMUNICATIONS Date 1/7/2008

Signed: \_\_\_\_\_  
Signature Company Date

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

Signed: \_\_\_\_\_  
Signature Company Date

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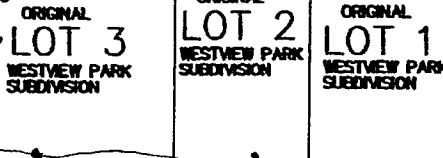
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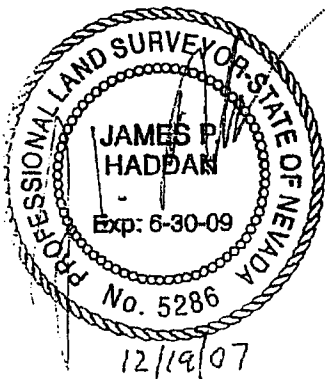
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FOUND 1/2" REBAR AND TAG LS 314 PER RS 391 (PREVIOUS SURVEY) FOUND 1/2" REBAR AND TAG LS 314 PER RS 391 SET REBAR & CAP NO. 5286

N88°35'17"E 176.35' (BASIS OF BEARINGS)



**HADDAN ENGINEERING, INC.**

P.O. BOX 2300 DAYTON, NEVADA 89501  
 (709) 883-0885 FAX (709) 246-0885

7002851EYJ001

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

A portion of North Minnesota Street between Fleischmann Way  
LOCATED AT: and John Street, Carson City, Nevada

(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] \_\_\_\_\_ Sierra Pacific Power \_\_\_\_\_ 3/3/08  
Signature Company Date  
Signed: W.B. BENNETT, SUPV. LAND OPERATIONS, \_\_\_\_\_ SIERRA PACIFIC  
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: \_\_\_\_\_  
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**THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS**

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H:\Applications\abandonment-public row-06.wpd

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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. *(1-4" conduit, 100 PR. Cable's Assoc splice boxes)*

Signed: R Callahan AT&T Nevada 3/19/08  
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)

**CARSON CITY PLANNING COMMISSION**

**CASE RECORD**

**MEETING DATE:** April 23, 2008

**AGENDA ITEM NO.:** H-4

**APPLICANT(s) NAME:** Ed Epperson, Carson Tahoe Hospital **FILE NO.** AB-07-221  
**PROPERTY OWNER(s):** Carson Tahoe Hospital and Gal Sal Company

**ASSESSOR PARCEL NO(s):** 001-171-04 and 001-201-25  
**ADDRESS:** 412 West John Street and 775 Fleischmann Way

**APPLICANT'S REQUEST:** Action to consider an application for an **Abandonment of Public Right-of-Way** to abandon a 66 foot wide by 166.18 foot long portion of North Minnesota Street between Fleischmann Way and John Street.

**COMMISSIONERS PRESENT:**  PEERY  KIMBROUGH  BISBEE  
 MULLET  REYNOLDS  VANCE  WENDELL

**STAFF REPORT PRESENTED BY:** Jennifer Pruitt **[X] REPORT ATTACHED**  
**STAFF RECOMMENDATION:**  CONDITIONAL APPROVAL **[ ] DENIAL**  
**APPLICANT REPRESENTED BY:** Bruce Robertson

APPLICANT/AGENT PRESENT       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:**

Mullet: Master plan for ROW abandonment

*APPEAL PROCESS MENTIONED AS PART OF THE RECORD*

**MOTION WAS MADE TO APPROVE**

WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

**MOVED:** Wendell **SECOND:** Reynolds **PASSED:** 6/AYE 0/NO 0/ABSTAIN 1/ABSENT

**SCHEDULED FOR THE BOARD OF SUPERVISORS**

**DATE:** 5-15-08

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF APRIL 23, 2008

FILE NO: AB-07-221

AGENDA ITEM: H-4

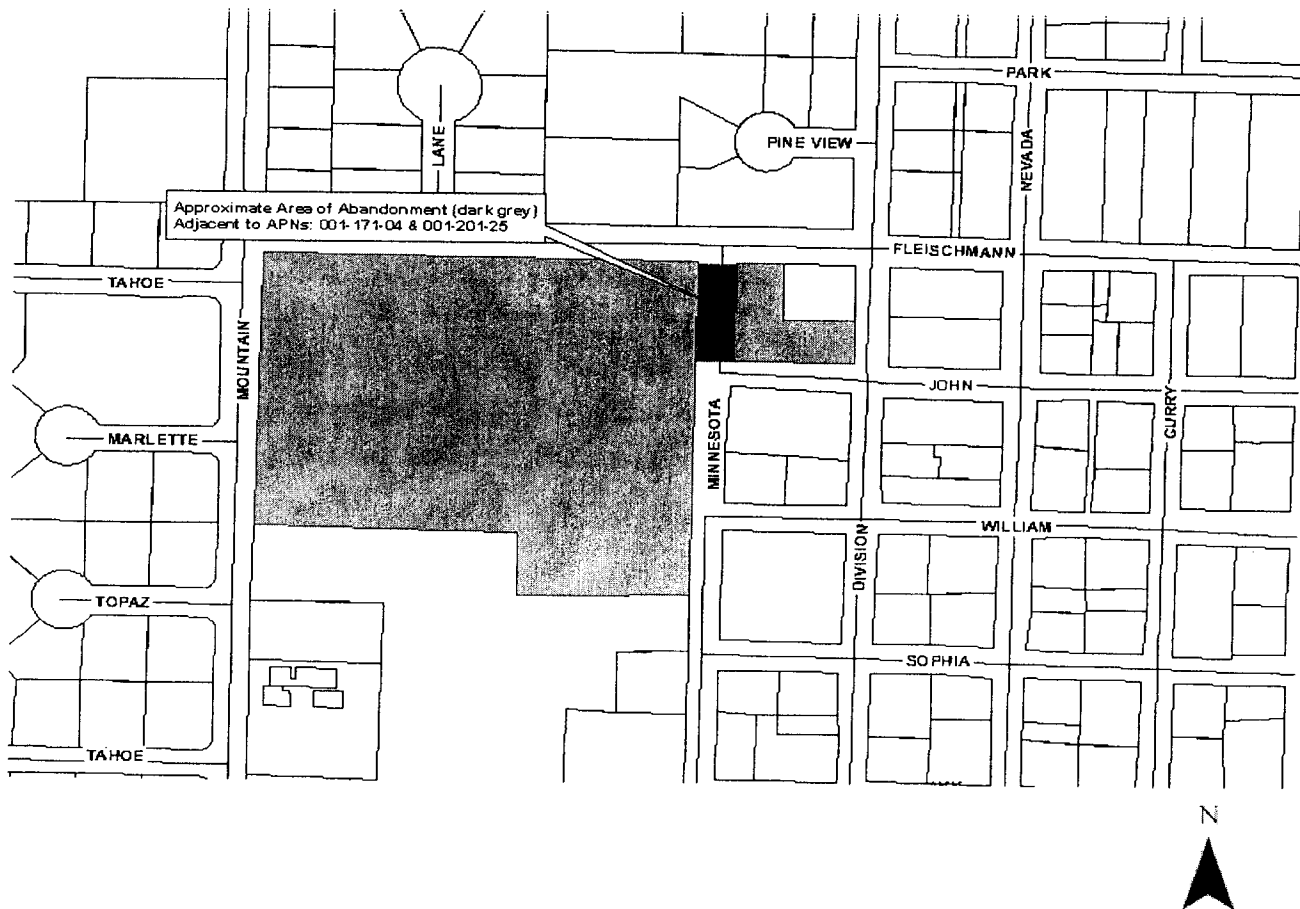
STAFF AUTHOR: Jennifer Pruitt, Senior Planner

APPLICANT: Carson Tahoe Hospital

OWNERS: Carson Tahoe Hospital and Gal-Sal Company

**REQUEST:** Abandonment of a 66 foot wide portion of North Minnesota Street, a public right-of-way, being approximately 11,000 square foot area, more or less, located north of John Street and south of Fleischmann Way, adjacent to APNs 001-171-04 and 001-201-25, within the Public Regional/Residential Office zoning districts.

**RECOMMENDED MOTION:** " I move to recommend that the Board of Supervisors approve an abandonment of public right-of-way application, AB-07-221, for a portion of a public right-of-way known as North Minnesota Street, being a 11,000 square foot area, more or less, located north of John Street and South of Fleischmann Way and adjacent to APN(s) 001-171-04 and 001-201-25, 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: 001-171-04: The area of the proposed abandonment adjacent to this parcel is 5,484 square feet, more or less, being north of John Street and south of Fleischmann Way.  
  
APN: 001-201-25: The area of the proposed abandonment adjacent to this parcel is 5,484 square feet, more or less, being north of John Street and south of Fleischmann Way.
5. The applicant must provide all legal descriptions, surveying information and documentation necessary for the recording of this action.
6. This abandonment is subject to reservation of a public utility and access easement, 24 feet in width, centered on and laying 12 feet each side of the existing centerline of North Minnesota Street.
7. Records indicate that there is a 30 inch diameter public storm drain within the right-of-way area to be abandoned. Said public storm drain shall continue and not be affected by the drain.
8. If a utility company has a utility or an easement over or under the property to be abandoned, said utility or easement shall be continued and shall not be affected by the abandonment.

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

**MASTER PLAN DESIGNATION:** Mixed Use Residential (MUR)

**PRESENT ZONING:** Public Regional (PR)/Residential Office (RO)

**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: Residential Office/Public Regional (PR)/Office-Parking lot  
SOUTH: Public Community (PC)/Residential Office (RO)/Office  
WEST: Public Regional (PR)/ previous CTH site  
EAST: Residential Office (RO)/Office

## DISCUSSION:

The request is to allow the abandonment of a 66-foot wide by 166.18 portion attached to two parcels along North Minnesota Street, between Fleischmann Way and John Street. The total area of the proposed abandonment is approximately 11,000 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 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 right-of-way in its current configuration is used for parking for the old Carson Tahoe Hospital site to the west and the residential office site to the east. Minnesota Street physically terminates at William Street. The information provided to staff is that the adjacent property owners will continue to use this area for public parking and access noted in this abandonment application.

**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 as a result of this abandonment.*

2. Whether the street was dedicated or not?

*Per the Engineering Division, no records have been found regarding how this portion of North Minnesota Street was created. This portion of North Minnesota Street is shown on the Map of Carson City dated January 1875. There are no records indicating that the City ever paid for the right of way.*

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

*It has been determined by the Engineering Division that there are no indications that the City of Carson City ever paid for the right-of-way in question. It is recommended that there be no charge required with this abandonment.*

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.*

*The proposed abandonment will not adversely impact existing traffic or circulation. This portion of North Minnesota Street has been functioning essentially as a parking lot for more than 15 years. In fact, the City issued a right-of-way occupancy permit to Ormsby Medical Clinic in 1991 to allow use of the public right-of-way for private parking. The proposed reservation of a 24 foot public utility and access easement along the street to be abandoned would allow continued use by the public and emergency services in a manner similar to the way it has been used in the past.*

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

*Water, sewer and storm drain facilities which presently exist near the area of proposed abandonment will not be adversely affected. There are no public water or sewer facilities within the area to be abandoned. There is a 30 inch diameter public storm drain within the area to be abandoned. The proposed 24 foot public utility and access easement will allow continued maintenance of the storm drain by City forces.*

*As demonstrated by the attached signatures of utility companies on the release form, three utility companies (Sierra Pacific Power Company, AT&T Nevada 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.*

*It will be the joint responsibility of the applicants, Carson-Tahoe Hospital and Gal Sal Company, to maintain the paved surface and other improvements within the property to be abandoned. The 24 foot wide public utility and access easement shall be maintained as a paved surface, as it exists presently, in order to accommodate ingress and egress by emergency services vehicles.*

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.

Engineering Division has no objection or preference to the proposed abandonment. If the abandonment is approved, then the following conditions are recommended:

1. The applicant must provide all legal descriptions, surveying information and documentation necessary for the recording of this action.
2. This abandonment is subject to reservation of a public utility and access easement, 24 feet in width, centered on and laying 12 feet each side of the existing centerline of North Minnesota Street.
3. Records indicate that there is a 30 inch diameter public storm drain within the right-of-way area to be abandoned. Said public storm drain shall continue and not be affected by the abandonment. The City reserves a 20 foot wide easement centered on the existing public storm drain.
4. If a utility company has a utility or an easement over or under the property to be abandoned, said utility or easement shall be continued and shall not be affected by the abandonment.

Building Division: No comment.

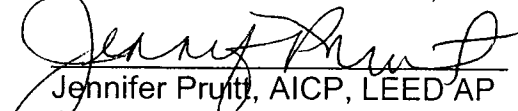
Fire Division: No comment.

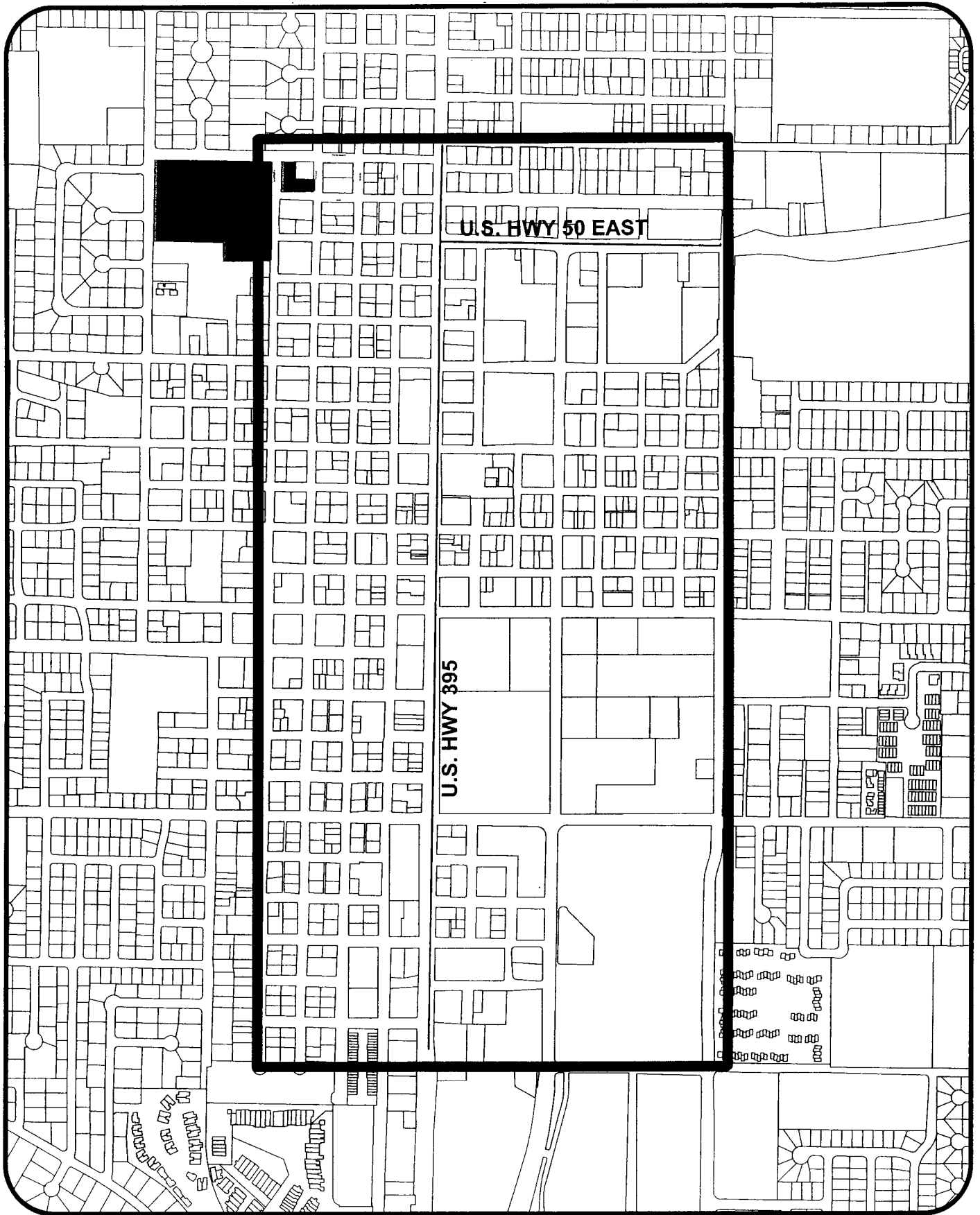
Health Department: No comment.

Parks and Recreation Department: No comment.

Respectfully submitted,

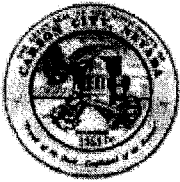
DEVELOPMENT SERVICES, PLANNING DIVISION

  
Jennifer Pruitt, AICP, LEED AP  
Senior Planner  
Attachments




**Original Corporate Boundaries**





## MEMORANDUM



**DATE:** April 10, 2008  
**TO:** Jennifer Pruitt – Planning Division  
**FROM:**  Jeff Sharp – Engineering Division  
**RE:** AB 07-221 Minnesota Street  
Engineering Text for Planning Commission Staff Report

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The following text is offered for inclusion in the Planning Commission staff report for the above referenced land use proposal:

**SUBJECT TITLE:** Request to allow the following abandonment:

A 66 foot wide by 166.18 foot long portion of North Minnesota Street between the southerly right of way of Fleischmann Way and the extension of the northerly right of way of John Street. The total area to be abandoned is 10,968 square feet. The westerly half of the right of way will be abandoned to property owner Carson-Tahoe Hospital, APN 01-201-25. The easterly half of the right of way will be abandoned to property owner Gal Sal Company, APN 01-171-04.

**RECOMMENDATION:** The Engineering Division has no objection or preference to the proposed abandonment. If the abandonment is approved, then the following conditions are recommended:

1. The applicant must provide all legal descriptions, surveying information and documentation necessary for the recording of this action.
2. This abandonment is subject to reservation of a public utility and access easement, 24 feet in width, centered on and lying 12 feet each side of the existing centerline of North Minnesota Street.
3. Records indicate that there is a 30 inch diameter public storm drain within the right of way area to be abandoned. Said public storm drain shall continue and not be affected by the abandonment. The City reserves a 20 foot wide easement centered on the existing public storm drain.
4. If a utility company has a utility or an easement over or under the property to be abandoned, said utility or easement shall be continued and shall not be affected by the abandonment.

**DISCUSSION:** The Engineering Division has reviewed the request within our areas of purview

relative to adopted standards and practices. The following discussion is offered.

1. Chain of Title: No records have been found regarding how this portion of North Minnesota Street was created. This portion of North Minnesota Street is shown on the Map of Carson City dated January 1875. There are no records indicating that the City ever paid for the right of way.
2. Utilities: Water, sewer and storm drain facilities which presently exist near the area of proposed abandonment will not be adversely affected. There are no public water or sewer facilities within the area to be abandoned. There is a 30" diameter public storm drain within the area to be abandoned. The proposed 24 foot public utility and access easement will allow continued maintenance of the storm drain by City forces.
3. Circulation/Traffic: The proposed abandonment will not adversely impact existing traffic or circulation. This portion of North Minnesota Street has been functioning essentially as a parking lot for more than 15 years. In fact, the City issued a right of way occupancy permit to Ormsby Medical Clinic in 1991 to allow use of the public right of way for private parking. The proposed reservation of a 24 foot public utility and access easement along the street to be abandoned would allow continued use by the public and emergency services in a manner similar to the way it has been used in the past.
4. Maintenance: It will be the joint responsibility of the applicants, Carson-Tahoe Hospital and Gal Sal Company, to maintain the paved surface and other improvements within the property to be abandoned. The 24 foot wide public utility and access easement shall be maintained as a paved surface, as it exists presently, in order to accommodate ingress and egress by emergency services vehicles.

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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:

RECEIVED

MAR 03 2008

FILE # AB - 06 -

- AB - 07 - 221

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

CARSON CITY  
PLANNING DIVISION

PROPERTY OWNER

Carson-Tahoe Hospital

MAILING ADDRESS, CITY, STATE, ZIP

P. O. Box 2168  
Carson City, Nevada 89702-2168

PHONE # 445-8662

FAX # 888-3200

E-MAIL ADDRESS ed.epperson@ctrh.org

Name of Person to Whom All Correspondence Should Be Sent

APPLICANT/AGENT

Carson-Tahoe Hospital

MAILING ADDRESS, CITY, STATE, ZIP

P. O. Box 2168  
Carson City, Nevada 89702-2168

PHONE # 445-8662

FAX # 888-3200

E-MAIL ADDRESS

ed.epperson@ctrh.org

SUBMITTAL PACKET

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

Application Reviewed and Received By:

Submittal Deadline: See attached 2006 PC application submittal schedule.

Project's Assessor Parcel Number(s):

N/A

Street Address N/A

ZIP Code

Briefly describe location, width and length of the proposed abandonment: A 66-foot wide by 166.18-foot long portion of North Minnesota Street between the southerly right-of-way of Fleischmann Way and the extension of the northerly right-of-way of John Street.

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 Attachment.

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

PROPERTY OWNER'S AFFIDAVIT

I, Ed Epperson, 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]  
Signature

Post Office Box 2168  
Carson City, Nevada 89702-2168  
Address

12/20/07  
Date

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

STATE OF NEVADA  
COUNTY

On December 27, 2007, Ed Epperson

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.

[Signature]  
Notary Public



\*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.

8/06



**ADDENDUM 1**

THIS ADDENDUM is hereby made a part of that certain application to the Carson City Planning Commission by Carson-Tahoe Hospital for a an Abandonment on Assessor's Parcel Number APN 01-201-25 A copy of said application is attached hereto.

**OWNER'S AFFIDAVIT** (to be executed by the legal property owner(s) in addition to those legal owners on the subject application)

STATE OF NEVADA)

ss

CARSON CITY )

Gal-Sal Co, being duly sworn, depose and say that I am a legal owner of the property involved in the subject application, that the statements herein contained in that application are in all respects, true and correct to the best of my knowledge.

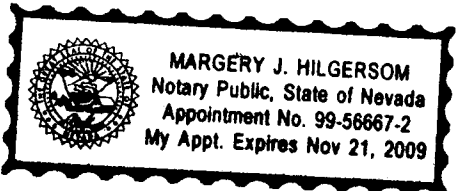
Gal-Sal Co  
by Lawrence Altsch, Trustee  
Signature

3/25/08  
Date

Mailing Address: 6380 Wetzel Ct  
Reno NV 89511  
Telephone: 849-9289  
E-mail Address: \_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME  
THIS 25th DAY OF MARCH 2008

Margery J. Hilgersom  
Notary Public



H:\PingDept\Applications\Addendum 1---08.wpd



# Mallard Investment Management

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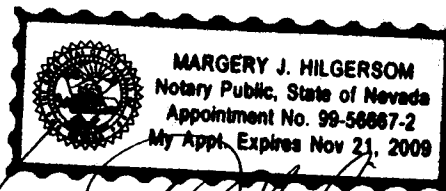
March 25, 2008

Re: Abandonment of Public Right-of-Way

In reference to the attached proposed Abandonment of a 66 foot wide by 166.18 foot long portion of North Minnesota Street between the southerly right-of-way of Fleischmann Way and the extension of the northerly right-of-way of John Street. The Gal Sal Company agrees and executes the owners' Affidavit upon condition that 50%, or the easterly 33 feet, of the abandonment area be deeded to parcel APN 01-171-04.

By *Leonard Althrich, trustee*  
Gal Sal Company, Trustee

Dated *Mar 25 2008*



*Margery Hilgersom*

3490 Southampton Drive  
Reno, Nevada 89509  
Tel: 775-786-9315  
Fax: 775-786-0984  
Pager: 775-325-9648

**ATTACHMENT TO ABANDONMENT OF PUBLIC RIGHT-OF-WAY BY  
CARSON-TAHOE HOSPITAL**

**JUSTIFICATION:**

The right-of-way proposed for abandonment is not currently being used as a public street. Adjacent properties will not be adversely impacted, as they will be able to utilize the abandoned right-of-way.

**PARCEL ACCESS:**

APN 01-201-25 and APN 01-171-04 have sufficient access provided by other public streets. Also, a 24-foot access and public utility easement is being retained along the centerline of the abandoned portion of John Street.