

**City of Carson City
Agenda Report**

Date Submitted: March 24, 2009

Agenda Date Requested: April 2, 2009

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works-Planning Division

Subject Title: Action to approve an Abandonment of Public Right-of-Way application from Voltaire Green Homes, LLC, to abandon a 600 foot long, 60 foot wide portion of West Willow Street west of Voltaire Street, and also the 30 foot wide right-of-way extending from the west end of West Appion Way north approximately 568 feet to the northwest corner of the subject property, on property located at 4500 and 4600 Voltaire Street, APNs 009-253-10 and 009-255-01, and authorize the mayor to sign the Order of Abandonment. (AB-09-002)

Summary: The total area of abandonment is approximately 53,956 square feet of right-of-way where no road improvements currently exist due to steep slopes. This abandonment request is being processed concurrently with TSM-09-003 to facilitate the development of a residential subdivision.

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 on February 25, 2009 by a vote of 6 Ayes, 0 Nays and 1 Abstain.

Recommended Board Action: I move to approve an Abandonment of Public Right-of-Way application from Voltaire Green Homes, LLC, to abandon a 600 foot long, 60 foot wide portion of West Willow Street west of Voltaire Street, and also the 30 foot wide right-of-way extending from the west end of West Appion Way north approximately 568 feet to the northwest corner of the subject property, on property located at 4500 and 4600 Voltaire Street, APNs 009-253-10 and 009-255-01, based on seven findings and subject to the conditions of approval contained in the staff report, and to authorize the mayor to sign the Order of Abandonment.

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

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

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer back to staff and Planning Commission for further review
2) Approve request for abandonment

Supporting Material: 1) Maps

Prepared By: Janice Brod, Management Assistant V

Reviewed By: _____	Date: _____
(Planning Division Director)	
_____	Date: _____
(Public Works Director)	
_____	Date: _____
(City Manager)	
_____	Date: _____
(District Attorney's Office)	

Board Action Taken:

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

(Vote Recorded By)

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 25, 2009

FILE NO: AB-09-002

AGENDA ITEM: H-5a

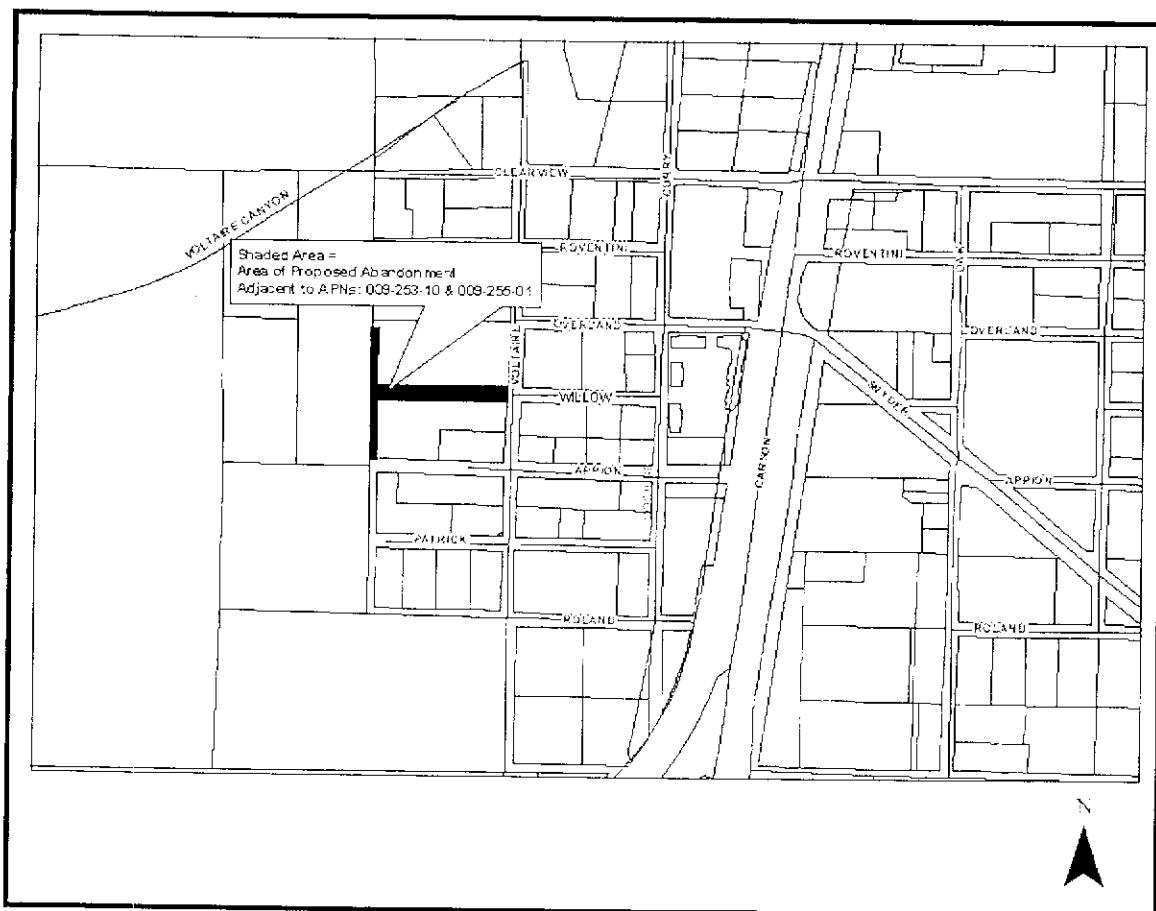
STAFF AUTHOR: Jennifer Pruitt, Principal Planner

APPLICANT: Ben Smith, Voltaire Green Homes LLC.

OWNERS: Benjamin & Maureen Saljestad

REQUEST: Abandonment of a 630 foot long, 60 foot wide portion of West Willow Street west of Voltaire Street, and also the 30 foot wide right-of-way extending from the west end of West Appion Way north approximately 599 feet to the northwest corner of the subject property, being 53,956-square-foot area, more or less, on property located at 4500 and 4600 Voltaire Street, APN(s) 009-253-10 and 009-255-01.

RECOMMENDED MOTION: "I move to recommend that the Board of Supervisors approve an abandonment of public right-of-way application, AB-09-002, for a 630 foot long, 60 foot wide portion of West Willow Street west of Voltaire Street, and also the 30 foot wide right-of-way extending from the west end of West Appion Way north approximately 599 feet to the northwest corner of the subject property, being 53,956-square-foot area, more or less, located northwest of the intersection of Appion Way and Voltaire Street, based on seven findings and subject to the conditions of approval contained in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to the recordation of said abandonment, the applicant shall be responsible for the submittal of all necessary legal documentation and title search materials if required by the Planning Division in order to fully complete the abandonment process.
2. 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 the applicant for signature after approval by the Board of Supervisors).
3. All other departments' conditions of approval, which are attached, shall be incorporated as conditions of this report.
4. This abandonment pertains to:
 - APN: 009-253-10: The area of the proposed abandonment adjacent to this parcel is 26,978 square feet, more or less.
 - APN: 009-255-01: The area of the proposed abandonment adjacent to this parcel is 26,978 square feet, more or less.
5. Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

LEGAL REQUIREMENTS: Nevada Revised Statutes (NRS) 278.480 (Vacation or Abandonment of Streets, Easements or Maps; Reversion of Divided Land) and Carson City Municipal Code (CCMC) Title 17 Division of Land, Subdivision of Land, Chapter 17.15 Abandonment of Right-of-Way.

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?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family One Acre, Residential
SOUTH: Single Family One Acre, Residential
WEST: Single Family One Acre, vacant
EAST: Single Family One Acre, Residential

PREVIOUS REVIEWS:

September 08, 2008, the applicant, Ben Smith, Voltaire Green Homes LLC. , and City staff participated in a Conceptual Review meeting (CSM-08-090) for the proposed City View Green Homes subdivision. The original proposal consisted of eight single-family.

DISCUSSION:

This request is to allow the abandonment of a 630 foot long, 60 foot wide portion of West Willow Street west of Voltaire Street, and also the 30 foot wide right-of-way extending from the west end of West Appion Way north approximately 599 feet to the northwest corner of the subject property, being 53,956-square-foot area, more or less, on property located at 4500 and 4600 Voltaire Street, APN (s) 009-253-10 and 009-255-01. These portions of right-of-way are currently unimproved and would likely never be improved for streets due to steep slopes. The Planning Division staff conducted a site visit on January 26, 2009 and found the subject site to have topographical changes resulting in an average slope of greater than 31%, and a recently developed single family dwelling unit.

The utility companies, NV Energy, Nevada Bell Telephone Company dba AT&T, Southwest Gas and Charter Communication have indicated they do not have utilities in the public roadway easement proposed for abandonment and do not want these reservations to be continued.

Information from the applicant has been presented to staff regarding the origin of the subject right of way. The referenced streets were created as part of patent number 1221121 File Number 41466. On August 01, 1961 a document was recorded noting an area of five acres was purchased from the United States of America pursuant to the provisions of the Act of Congress approved June 01, 1938 entitled "An Act to provide for purchase of public lands for home and other sites". This document reserved right-of way not exceeding 33 feet, for roadway and public utilities purposes, to be located along the boundaries of said land. The subject right of way area was created by federal land patents in 1961 and 1966. The City never had to purchase the right of way.

The request for abandonment is being made for the purpose of developing the site and providing an aesthetically pleasing subdivision (City View Greenhomes) that will incorporate energy efficient, sustainable homes along with open space to provide access and pathway easements, which will enhance the recreational opportunities in the area.

The properties adjacent to the West Willow Street Right of Way will be combined, with approval of the abandonment, and will not be damaged. The 30 foot Right of Way along the west property boundary will be designated as an access/pathway easement within the subdivision and will enhance the private conservation area to the west.

The public will not be materially injured by the abandonment since the Right of Way roads are not constructed and cannot be constructed per the current development standards without a tremendous amount of hill scarring. There is no access being provided to any public spaces by the existence on the right-of ways. Therefore, none-is being removed.

By granting this abandonment (AB-09-002), the opportunity to develop this area becomes possible.

Pursuant to NRS 278.480 Vacation or abandonment of a street or easement, if upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, if satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated.

It is important to note that the proposed easement abandonment will result in a gain of acreage for the subject parcels of 26,978 square feet each, for a total acreage gain of 53,956 square feet.

With the recommended conditions of approval and based on the finding of fact that the public will not be materially injured by the proposed vacation, it is recommended that the Planning Commission make a recommendation to the Board of Supervisors for approval of AB-09-002.

PUBLIC COMMENTS: Public notices were sent by certified mail to the three adjacent property owners per NRS. At the writing of this report, there have been no comment in opposition or support of the of the proposed abandonment.

CITY DEPARTMENT/OUTSIDE AGENCY COMMENTS: The following comments were received from City departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Engineering Division:

The Engineering Division recommends APPROVAL of the proposed abandonment, with no recommended conditions.

Building Division:

The Carson City Building Division, based on the plans provided, do not have any comments or concerns at this time for the road abandonment.

Fire Department:

We have no concerns with this request.

Health Department:

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

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?

Per the information provided by the applicant the adjacent property owners will not be damaged by this abandonment application, nor will the public be materially injured by the abandonment.

Per the information provided by Jeff Sharp, City Engineer and the Planning Division the public will not be materially injured by the proposed abandonment of the right of way. The subject right of way area is presently unimproved. The area to be abandoned is essentially useless for development of public streets or utilities given the steep topography.

There will be no landlocked parcels created as a result of the proposed abandonment.

2. Whether the street was dedicated or not?

Information from the applicant has been presented to staff as to the origin of the right of way. The referenced streets were created as part of patent number 1221121 File Number 41466. On August 01, 1961 a document was recorded noting an area of five acres was purchase from the United States of America pursuant to the provisions of the Act of Congress approved June 01, 1938 entitled "An Act to provide for purchase of public lands for home and other sites". This document noted reserved right-of way not exceeding 33 feet, for roadway and public utilities purposes, to be located along the boundaries of said land. The subject right of way area was created by federal land patents in 1961 and 1966. The City never had to purchase 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 easement in question. It is recommended that there be no charge required with this abandonment.

4. If abandonment has a public benefit, how much of the public benefit should be offsetted against the determination 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.

There will be no elimination of on-street parking in the area of the proposed abandonment. 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?

The utility companies, Sierra Pacific Power Company (NV Energy), AT&T Nevada (SBC), Southwest Gas and Charter Communication have indicated they do not have utilities in the public roadway easement proposed for abandonment and do not want these reservations to be continued.

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

Staff has included within this staff report conditions of approval, which relate to the responsibilities of the applicant in the event this application is approved.

Respectfully submitted,
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments
Application (AB-09-002)
Building comments
Fire Comments
Health Comments
Engineering comments
Draft Order of Abandonment

APN: 009-253-10

APN: 009-255-01

AN ORDER ABANDONING A 630 FOOT LONG, 60 FOOT WIDE PORTION OF WEST WILLOW STREET WEST OF VOLTAIRE STREET, AND ALSO THE 30 FOOT WIDE RIGHT-OF-WAY EXTENDING FROM THE WEST END OF WEST APPION WAY NORTH APPROXIMATELY 599 FEET TO THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, BEING 53,956-SQUARE-FOOT AREA, MORE OR LESS, ON PROPERTY LOCATED AT 4500 AND 4600 VOLTAIRE STREET, IN CARSON CITY, NEVADA

WHEREAS, on January 15, 2009, Voltaire Green Homes LLC duly filed a written application seeking vacation and abandonment of a public right-of-way, being northwest of the intersection of West Appion Way and Voltaire Street approximately 53,956 square feet, within APN(s) 009-253-10 and 009-255-01, 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 February 25, 2009. At the public hearing public testimony was taken and the Commission, after discussion and deliberation, recommended approval of abandonment of the subject easement by 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 March 19, 2009, 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 water, sewer, and storm drain facilities, which may presently exist within the areas affected by the abandonment, will be protected by easements.
3. 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 _____, 2009, by the Carson City Board of Supervisors.

ROBERT CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

FILE # AB - 09 - 002

PROPERTY OWNER

BENJAMIN & MAUREEN SALJESTAD

MAILING ADDRESS, CITY, STATE, ZIP

PO Box 291, DAYTON, NV. 89403

PHONE # 775-815-1691

FAX # 775-246-7470

E-MAIL ADDRESS BSMITH@BSADEVELOPMENT.COM

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

VOLTAIR GREEN HOMES LLC.

MAILING ADDRESS, CITY, STATE ZIP

PO Box 291 DAYTON NV. 89403

PHONE # 775-815-1691

FAX # 775-246-7470

E-MAIL ADDRESS

BSMITH@BSADEVELOPMENT.COM

Project's Assessor Parcel Number(s)

009-253-10

009-255-10

Street Address

4500 VOLTAIRE ST.

4600 VOLTAIRE ST.

CARSON City, NV

CARSON City, NV

ZIP Code

89703

89703

ABANDONMENT OF
PUBLIC RIGHT-OF-WAY

FEE: \$2,450.00 + noticing fee

SUBMITTAL PACKET

- ☐ Application Form
- ☐ 6 Completed Application Packets (1 Original + 5 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 PC application submittal schedule.

RECEIVED

JAN 23 2009

CARSON CITY
PLANNING DIVISION

Briefly describe location, width and length of the proposed abandonment:

SEE ATTACHED ABANDONMENT REQUEST

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 LETTER

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

PROPERTY OWNER'S AFFIDAVIT

I, Ben Saljestad, 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

Address

1577 Truckee Dr. CC NV

89701

Date

1/16/09

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

STATE OF NEVADA
COUNTY CARSON

On 16 January, 2009, BENJAMIN CLARK SALJESTAD, 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.

Warren E. Dalton
Notary Public



NOTARY PUBLIC
STATE OF NEVADA
County of Washoe
WARREN E. DALTON

My Appointment Expires Oct. 28, 2010

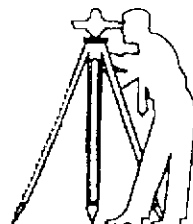
*NOTES: In order to facilitate the processing of your application, prior to submitting your application to the Planning Division, please contact Development Engineering at 2621 Northgate Lane, Suite 6, to ensure that department has no concerns with your application, and take your packet to the Utilities 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.



HADDAN ENGINEERING, INC.

CIVIL ENGINEERING, SURVEYING & CONSULTING



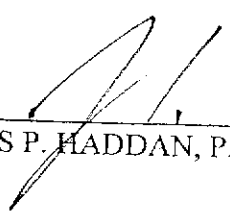
LEGAL DESCRIPTION FOR RIGHT-OF-WAY ABANDONMENT OF A PORTION OF WEST WILLOW STREET AND OF AN UNNAMED RIGHT-OF-WAY, CARSON CITY, NEVADA

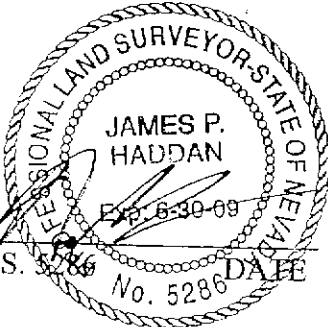
ALL THAT CERTAIN REAL PROPERTY SITUATE WITHIN A PORTION OF THE NW¼
NE¼ SECTION 31, T.15N., R.20E., M.D.B. & M., CARSON CITY, NEVADA, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SECTION 31, T.15N., R.20E., M.D.B. & M;
THENCE S. 45° 07' 33" E., 933.53 FEET; THENCE S. 00° 05' 55" E., 30.00 FEET TO THE
TRUE POINT OF BEGINNING; THENCE S. 89° 58' 42" E., 30.00 FEET; THENCE S. 00° 05'
55" E., 269.28 FEET; THENCE S. 89° 58' 19" E., 600.01 FEET; THENCE S. 00° 04' 26" E.,
60.00 FEET; THENCE N. 89° 58' 19" W., 599.98 FEET; THENCE S. 00° 05' 55" E., 269.28
FEET; THENCE N. 89° 57' 56" W., 30.00 FEET; THENCE N. 00° 05' 55" W., 598.55 FEET TO
THE **TRUE POINT OF BEGINNING**.

CONTAINING 53,956 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS: THE NORTH SECTION LINE OF SECTION 31, PER PLAT NO.
2609, CARSON CITY RECORDS (N. 89° 59' 28" W.).

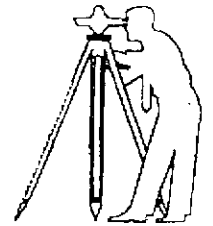

JAMES P. HADDAN, P.L.S. 5286


1/12/09



HADDAN ENGINEERING, INC.

CIVIL ENGINEERING, SURVEYING & CONSULTING



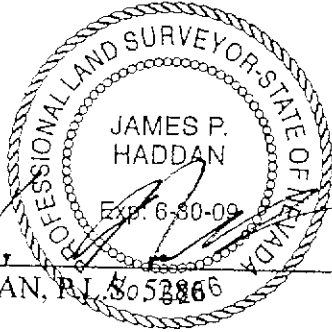
RESULTANT APN 09-255-01

DESCRIPTION OF RESULTANT PARCEL, REFLECTING ABANDONMENT OF A PORTION OF WEST WILLOW STREET AND OF AN UNNAMED RIGHT-OF-WAY, BEING WITHIN A PORTION OF THE NW¼ NE ¼ SECTION 31, T.15N., R.20E., M.D.B. & M., CARSON CITY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SECTION 31, T.15N., R.20E., M.D.B. & M.; THENCE S. 45° 07' 33" E., 933.53 FEET; THENCE S. 00° 05' 55" E., 329.28 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S. 89° 58' 19" E., 630.00 FEET; THENCE S. 00° 04' 26" E., 164.35 FEET; THENCE N. 89° 57' 56" W., 300.00 FEET; THENCE S. 00° 04' 26" E., 135.00 FEET; THENCE N. 89° 57' 56" W., 329.87 FEET; THENCE N. 00° 05' 55" W., 299.28 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 3.40 ACRES MORE OR LESS.

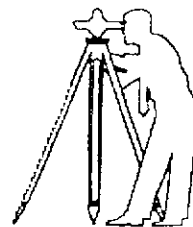
BASIS OF BEARINGS: THE NORTH SECTION LINE OF SECTION 31, PER PLAT NO. 2609, CARSON CITY RECORDS (N. 89° 59' 28" W.).


JAMES P. HADDAN, P.L.S. 5053866
DATE 1/12/09



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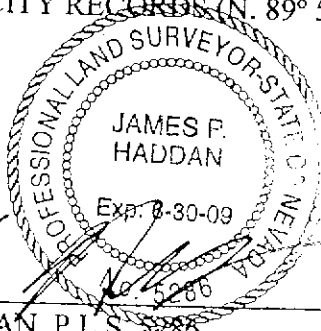
RESULTANT APN 09-253-10

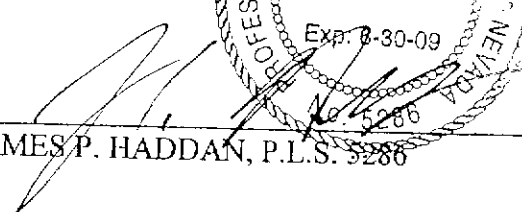
DESCRIPTION OF RESULTANT PARCEL, REFLECTING ABANDONMENT OF A PORTION OF WEST WILLOW STREET AND OF AN UNNAMED RIGHT-OF-WAY, BEING WITHIN A PORTION OF THE NW¼ NE ¼ SECTION 31, T.15N., R.20E., M.D.B. & M., CARSON CITY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SECTION 31, T.15N., R.20E., M.D.B. & M.; THENCE S. 45° 07' 33" E., 933.53 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S. 89° 58' 42" E., 630.14 FEET; THENCE S. 00° 04' 26" E., 329.35 FEET; THENCE N. 89° 58' 19" E., 630.00 FEET; THENCE N. 00° 05' 55" W., 329.28 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 4.76 ACRES MORE OR LESS.

BASIS OF BEARINGS: THE NORTH SECTION LINE OF SECTION 31, PER PLAT NO. 2609, CARSON CITY RECORDS (N. 89° 59' 28" W.).




JAMES P. HADDAN, P.L.S. 5286

1/12/09
DATE

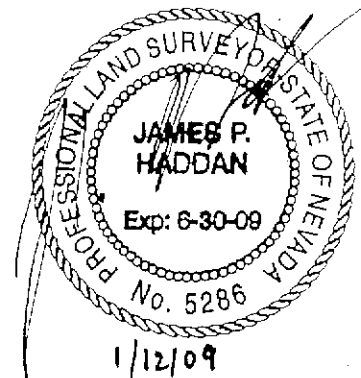
BSA LOT CALCS

Parcel name: ABANDONMENT

North: 5285.1965 East : 4083.8717
 Line Course: N 00-05-55 W Length: 598.55
 North: 5883.7456 East : 4082.8416
 Line Course: S 89-58-42 E Length: 30.00
 North: 5883.7343 East : 4112.8416
 Line Course: S 00-05-55 E Length: 269.28
 North: 5614.4547 East : 4113.3050
 Line Course: S 89-58-19 E Length: 600.01
 North: 5614.1609 East : 4713.3150
 Line Course: S 00-04-26 E Length: 60.00
 North: 5554.1609 East : 4713.3923
 Line Course: N 89-58-19 W Length: 599.98
 North: 5554.4547 East : 4113.4124
 Line Course: S 00-05-55 E Length: 269.28
 North: 5285.1751 East : 4113.8759
 Line Course: N 89-57-56 W Length: 30.00
 North: 5285.1932 East : 4083.8759

Perimeter: 2457.10 Area: 53,956 sq. ft. 1.24 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0053 Course: S 50-51-10 E
 Error North: -0.00336 East : 0.00413
 Precision 1: 463,603.77



Parcel name: APN 009-253-10

North: 5584.4731 East : 4083.3559
 Line Course: N 00-05-55 W Length: 329.28
 North: 5913.7526 East : 4082.7892
 Line Course: S 89-58-42 E Length: 630.14
 North: 5913.5143 East : 4712.9292
 Line Course: S 00-04-26 E Length: 329.35
 North: 5584.1646 East : 4713.3539
 Line Course: N 89-58-19 W Length: 630.00
 North: 5584.4731 East : 4083.3540

Perimeter: 1918.76 Area: 207,488 sq. ft. 4.76 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0020 Course: S 89-29-41 W
 Error North: -0.00002 East : -0.00196
 Precision 1: 959,385.00

Parcel name: APN 009-255-01

North: 5285.1965 East : 4083.8717
 Line Course: N 00-05-55 W Length: 299.28
 North: 5584.4761 East : 4083.3566
 Line Course: S 89-58-19 E Length: 630.00
 North: 5584.1676 East : 4713.3566
 Page 1

BSA LOT CALCS

Line	Course: S 00-04-26 E	Length: 164.35	
	North: 5419.8177		East : 4713.5685
Line	Course: N 89-57-56 W	Length: 300.00	
	North: 5419.9981		East : 4413.5686
Line	Course: S 00-04-26 E	Length: 135.00	
	North: 5284.9982		East : 4413.7427
Line	Course: N 89-57-56 W	Length: 329.87	
	North: 5285.1965		East : 4083.8727

Perimeter: 1858.49 Area: 148,045 sq. ft. 3.40 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0010	Course: S 88-40-30 E
Error North: -0.00002	East : 0.00099

Precision 1: 1,858,500.00



HADDAN ENGINEERING, INC.

CIVIL ENGINEERING, SURVEYING & CONSULTING

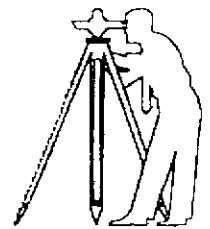


EXHIBIT "A"

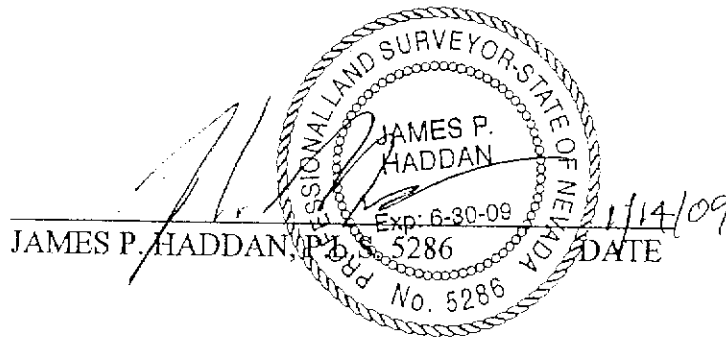
LEGAL DESCRIPTION FOR RIGHT-OF-WAY ABANDONMENT OF A PORTION OF WEST WILLOW STREET AND OF AN UNNAMED RIGHT-OF-WAY, CARSON CITY, NEVADA

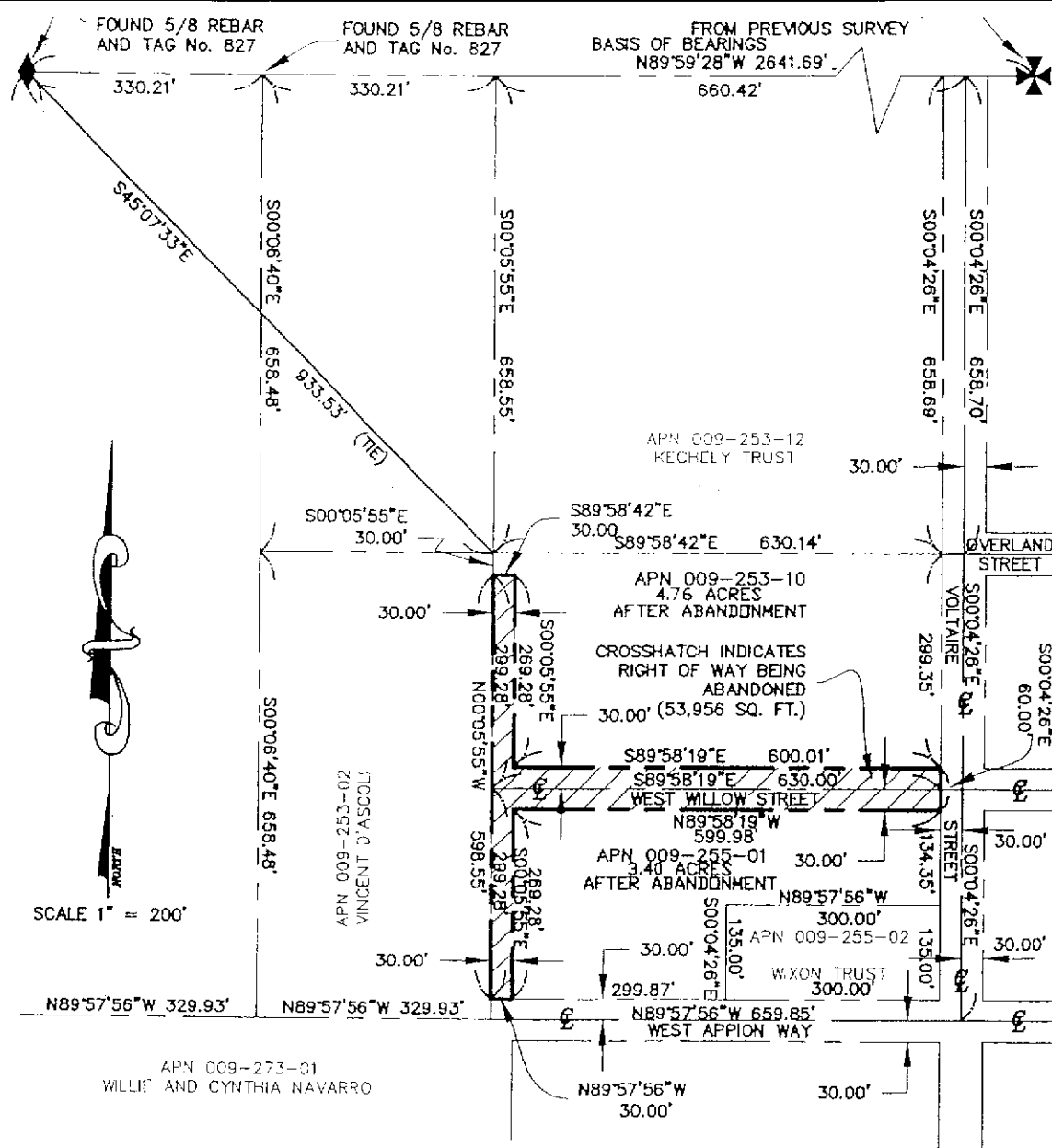
ALL THAT CERTAIN REAL PROPERTY SITUATE WITHIN A PORTION OF THE NW¼
NE¼ SECTION 31, T.15N., R.20E., M.D.B. & M., CARSON CITY, NEVADA, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SECTION 31, T.15N., R.20E., M.D.B. & M.;
THENCE S. 45° 07' 33" E., 933.53 FEET; THENCE S. 00° 05' 55" E., 30.00 FEET TO THE
TRUE POINT OF BEGINNING; THENCE S. 89° 58' 42" E., 30.00 FEET; THENCE S. 00° 05'
55" E., 269.28 FEET; THENCE S. 89° 58' 19" E., 600.01 FEET; THENCE S. 00° 04' 26" E.,
60.00 FEET; THENCE N. 89° 58' 19" W., 599.98 FEET; THENCE S. 00° 05' 55" E., 269.28
FEET; THENCE N. 89° 57' 56" W., 30.00 FEET; THENCE N. 00° 05' 55" W., 598.55 FEET TO
THE **TRUE POINT OF BEGINNING**.

CONTAINING 53,956 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS: THE NORTH SECTION LINE OF SECTION 31, PER PLAT NO.
2609, CARSON CITY RECORDS (N. 89° 59' 28" W.).



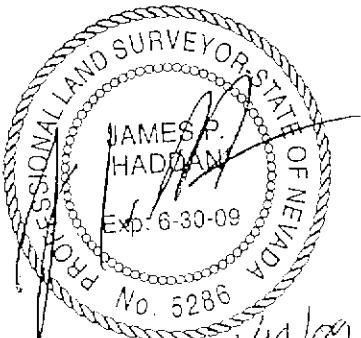


REFERENCE DOCUMENTS:

1. RECORD OF SURVEY RECORDED AS PLAT No. 2609 CARSON CITY RECORDS.
2. ABANDONMENT OF OVERLAND STREET WEST OF VOLTAIRE STREET RECORDED AS DOC. NO. 183076 CARSON CITY RECORDS.

BASIS OF BEARINGS:
 THE NORTH SECTION LINE OF
 SECTION 31 PER PLAT
 No. 2609
 CARSON CITY RECORDS
 (N 89°59'28" W)

EXHIBIT "B"



MAP TO ACCOMPANY APPLICATION FOR RIGHT
 OF WAY ABANDONMENT OF A PORTION OF
 WEST WILLOW STREET AND OF AN UNNAMED
 RIGHT OF WAY IN CARSON CITY, NEVADA
 BEING A PORTION OF THE N.W. 1/4
 N.E. 1/4 SECTION 31, T.15N., R.20E.,
 M.D.B.&M. CARSON CITY, NEVADA



**HADDAN
 ENGINEERING, INC.**

P.O. BOX 2300
 DAYTON, NEVADA
 (775) 883-6595

6024EXHIBIT

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

APN 09-253-10 (4500 Voltaire) and APN 09-255-01

LOCATED AT: (4600 Voltaire), Carson City, Nevada

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed:

Signature

Company

Date

Signed:

Signature

Company

Date

Signed:

Signature

Company

Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed:

Signature

Company

Date

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

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy

Charter Communications

Carson City Engineering (will sign during review)

Southwest Gas Corporation

AT&T Nevada

Carson City Utilities

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

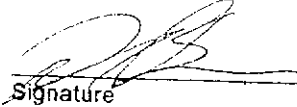
APN 09-253-10 (4500 Voltaire) and APN 09-255-01

LOCATED AT: (4600 Voltaire), Carson City, Nevada

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed:


Signature

Charter
Company

1-13-09
Date

Signed:

Signature

Company

Date

Signed:

Signature

Company

Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed:

Signature

Company

Date

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

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy

Charter Communications

Carson City Engineering (will sign during review)

Southwest Gas Corporation

AT&T Nevada

Carson City Utilities

APNs 09-255-01 and 09-253-10

After Recordation Return To:
Sierra Pacific Power Company
Land Operations
PO Box 10100
Reno, Nevada 89520

RELINQUISHMENT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

SIERRA PACIFIC POWER COMPANY dba NV ENERGY, a Nevada Corporation, presents, relinquishes and reconvey unto, Benjamin C. and Maureen Seljestad and all persons legally entitled thereto its easement interests in the Lands described in the attached Exhibit "A" and shown on the attached Exhibit "B" Nevada, to wit:

SEE ATTACHED HERETO EXHIBIT "A" AND EXHIBIT "B" WHICH ARE MADE A PART HEREOF

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments and appurtenances thereunto belonging or in any ways appertaining thereto.

DATED this 15th day of JANUARY, 2009.

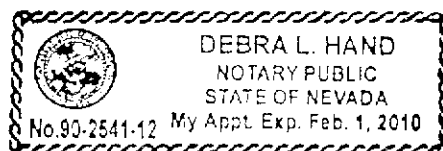
SIERRA PACIFIC POWER COMPANY
dba NV ENERGY

BY: Carolyn C. Barbash
Carolyn C. Barbash, Executive, Regional
Operations

STATE OF NEVADA)
COUNTY OF CARSON CITY)

This instrument was acknowledged before me on JANUARY 15, 2009
by Carolyn C. Barbash, Executive, Regional Operations for SIERRA PACIFIC
POWER COMPANY dba NV ENERGY, a Nevada Corporation

Debra L. Hand
Notary Public



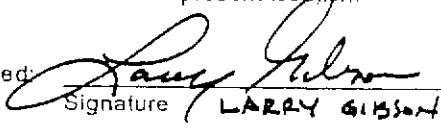
UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

APN 09-253-10 (4500 Voltaire) and APN 09-255-01

LOCATED AT: (4600 Voltaire), Carson City, Nevada

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed:  SOUTHWEST GAS CORP. 1/12/09
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: _____
Signature Company Date

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

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy
Charter Communications
Carson City Engineering (will sign during review)

Southwest Gas Corporation
AT&T Nevada
Carson City Utilities

Abandonment Request & Justification

City View Green Homes Subdivision

RECEIVED

JAN 23 2009

CARSON CITY
PLANNING DIVISION

Request for Abandonment

The portion of West Willow Street Right-of-Way west of Voltaire Street. 600' L. x 60' W.

The 30' W. Right-of-Way extending from the West end of West Appion Way North approx. 568' to the North West corner of the subject property.

Justification

Carson City Development Standards 7.9.12 forbids road construction on natural slopes in excess of 15%. The portion of West Willow Street has an average slope of approx. 31%. The West half of W. Appion Way has an average slope of 33%.

The request for abandonment is being made for the purpose of developing the site and providing an aesthetically pleasing subdivision that will incorporate energy efficient, sustainable homes along with open space to provide access and pathway easements, which will enhance the recreational opportunities in the area.

The properties adjacent to the W. Willow Street ROW will be combined, with approval of the abandonment, and will not be damaged. The 30' W. ROW along the West property boundary will be designated as an access / pathway easement within the subdivision and will enhance the private conservation area to the West.

The public will not be materially injured by the abandonment since the ROW roads are not constructed and cannot be constructed per the development standards. There is no access being provided to any public spaces by the existence on the ROW's, therefore non-is being removed.

By granting these abandonment's, the opportunity to develop this area becomes possible.

RECEIVED

JAN 23 2009

CARSON CITY
PLANNING DIVISION

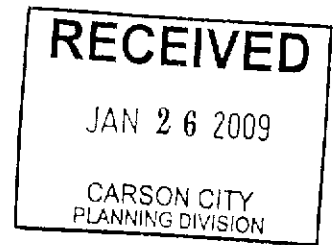
Mr. Hendricks:

The Engineering Division supports the proposed right of way abandonment's associated with the City View Green Homes conceptual subdivision. Specifically, this includes abandonment of Willow Street west of Voltaire, as well as the south half of Overland Street west of Voltaire, as well as unnamed right of way along the west boundary of the properties to be subdivided.

You may use this email as your memo of support from Engineering to be included with the abandonment application.

Sincerely,

Jeff Sharp, P.E.
City Engineer
Carson City Development Services
Engineering Division
2621 Northgate Lane, Suite 54
Carson City, NV 89706
(775) 887-2300 ext 30084
jsharp@ci.carson-city.nv.us



MEMORANDUM

TO: Community Development

FROM: Duane Lemons, Fire Inspector

DATE: January 26, 2009

SUBJECT: AGENDA ITEMS FOR FEBRUARY 2009 PLANNING COMMISSION MEETING

We reviewed the agenda items for the February 25, 2009 Planning Commission Meeting and have the following comments:

- SUP-08-076 Golden Gaming, Inc. We have no comments or concerns with this request.
- SUP-05-265(a) State of NV Dept. of Transportation We have no concerns with this request.
- AB-09-002 Benjamin & Maureen Saljestad. We have no concerns with this request.
- TSM-09-0003 Benjamin & Maureen Saljestad A fire hydrant will be required at corner of West Appion Way and two driveways. All other concerns were addressed during application review.

DL/llb

RECEIVED

JAN 20 2009

CARSON CITY
PLANNING DIVISION

Presentations - No Comment

SUP 08-076

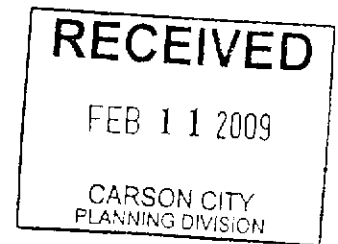
SUP 05-265(a)

AB 09-002

TSM 09-003

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

Teresa Hayes
Environmental Health Specialist II
Carson City Health and Human Services
900 E. Long St
Carson City, NV 89706
Phone: (775) 887-2190 ext 1024
Fax: (775) 887-2248



MEMORANDUM

DATE: February 11, 2009
TO: Jennifer Pruitt - Planning Division
FROM:  Jeff Sharp - Engineering Division

RE: AB 09-002 West Willow Street and Unnamed Right of Way
Engineering Text for Planning Commission Staff Report

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 60 foot wide by 630 foot long portion of West Willow Street west of Voltaire Street, along with a 30 foot wide by 599 foot long portion of unnamed right of way at the west terminus of West Willow Street between West Appion Way and previously abandoned West Overland Street. The total area to be abandoned is 53,596 square feet.

RECOMMENDATION:

The Engineering Division recommends APPROVAL of the proposed abandonment, with no recommended conditions.

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: The subject right of way area was created by federal land patents in 1961 and 1966. The City never had to purchase the right of way.
2. Circulation/Traffic: The subject right of way area is presently unimproved. The area to be abandoned is essentially useless for development of public streets or utilities given the steep topography.
3. Access to Adjacent Property: There will be no landlocked parcels created as a result of the proposed abandonment.